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Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1435th Meeting

Wednesday, 13 July 1994, 10.00 a.m.
New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . (Cuba)

The meeting was called to order at 10.25 a.m.

Question of East Timor (A/AC.109/1187)

The Chairman *(interpretation from Spanish):* With respect to this item, the Committee has before it a working paper prepared by the Secretariat (A/AC.109/1187).

In accordance with the decision taken at the 1431st meeting, the Committee will today hear the petitioners whose requests for hearing we have granted.

I appeal to petitioners, first of all, to bear in mind that a team of interpreters is providing simultaneous interpretation into five languages, and to take this into account in terms of their speed and manner of delivery. I urge petitioners not to speak too fast, to ensure correct interpretation.

In view of the question of East Timor having attracted the largest number of petitioners, 28, causing the allocation of two meetings to that question, and in order to ensure that all who requested and been granted a hearing have the opportunity to speak today, I further appeal to petitioners - and this in no way contradicts my first appeal - to be as brief and succinct as possible, even with respect to points they regard as the most essential. Failing such cooperation from the petitioners, it is very likely that not all petitioners will be heard at either of the Committee's meetings on this item, and we believe that they should all have the opportunity to make their statements.

The first petitioner is Mr. Francisco Nicolau of the Timorese Democratic Union.

At the invitation of the Chairman, Mr. Francisco Nicolau (Timorese Democratic Union) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Nicolau.

Mr. Nicolau (Timorese Democratic Union (UDT)): Over the decades, questions of prime importance remain unresolved, questions relating to the continuous systematic violation of human rights by States Members of an Organization that in 1948 declared the universality of those very rights, the underlying essence of which is respect for the most elementary, basic human rights by all the civilized States that live together on this planet. It is precisely because of such violations that it is necessary that certain vital committees continue to exist, none more so than the Special Committee on decolonization. This Committee, along with everyone else, would benefit if States grew mature enough to remove the reason for the Committee's existence.

But therein lies the difference between the sacred and the profane: in the eastern part of Timor, the policies of the Indonesian State permit and condone all forms of human-rights violations and have evinced a lack of action to promote maturity and non-barbaric behaviour.

To the contrary, at Vienna, Indonesia reached the very heights of political hypocrisy with its nebulous defence of values such as the right of physical integrity, the right to free expression and the right to life, which the human conscience holds sacred for all, irrespective of geographical location, gender and race.

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The Timorese people have been unwavering in their legitimate defence against Indonesian aggression since 1975. In tandem with such sentiments, the Timorese Democratic Union (UDT) underwent a reorganization through a congress held at Lisbon, which restructured the party to make it more efficient in dealing with Indonesia's continuing aggression and with any future challenge, particularly with respect to safeguarding the rights to our people in the event of a referendum.

The UDT is the historic nationalist party of East Timor. It has never collaborated with Indonesia in Indonesia's push for imperialism. Contrary to what Indonesia has preached about what the UDT allegedly signed in 1975 at Balibo, the UDT has refused to be subjugated or integrated.

Even with the passing of time, the UDT continues to defend vehemently the basic values and principles that formed the basis for its formation in 1975. In spite of limited funds, it has never wavered in its continuous defence of the Timorese people's rights to self-determination and independence. The UDT has been invigorated not only through the rejuvenation of the party, but also through the adoption of a structure better suited to today's realities.

Regrettably, the forces of the Timorese Nationalist Parties are insufficient to curtail the barbaric acts perpetrated by the Indonesian armed forces. Violations of universal human rights continue, almost as an assertion that these rights will never return to East Timor. For example, Panteleao Amaral, 18 years old, was detained in Dili on 23 July 1994; Duarte Ximenes, 17 years old, was tortured; Sebastioa Fraga Freitas has been missing since November 1991; Marcelo, a young boy, was killed by battalion 744/717 on 6 May 1994. These are examples of the common rule that Indonesia implements in East Timor and in other islands where it wishes to continue to subjugate the people.

However, a day will come when President Suharto will learn the lessons of history, and then the process of decolonization - initiated by Portugal and abruptly interrupted by the Indonesian invasion of the Territory - will translate into the Timorese people's freedom to exercise their right to self-determination, in accordance with acceptable models of civilized States and not ad hoc models such as those promoted by Indonesia, because then and only then will peace, justice and freedom prevail in East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Alyn Ware (Hobart East Timor Committee) took a place at the petitioners' table.

The Chairman: I call on Mr. Ware.

Mr. Ware (Hobart East Timor Committee): I am speaking on behalf of the Hobart East Timor Committee.

Like everyone desiring peace and justice for East Timor, we regret that a solution has not been achieved 19 years after Indonesia's invasion, and we ask that the United Nations be as willing to impose tough measures, including sanctions, to achieve compliance with all Security Council and General Assembly resolutions, as it has been in other situations of invasion.

We would like to speak briefly on the reasons that prompted Indonesia to invade East Timor in 1975 and the extent to which those reasons are still affecting the search for peace.

The most publicized claim in 1975 was that East Timor was "going communist". But even if by some miracle every one of East Timor's 680,000 people had "gone communist" in the space of 20 months, it could have had little impact on Indonesia, which numbered its communists in the millions.

In 1974, Indonesia began its clandestine programme to destabilize East Timor and, if that failed, to invade it. That plan was formulated at a time when East Timor's two major political parties were working together harmoniously and productively towards the shared ideal of independence.

The former Australian Consul in East Timor, James Dunn, has written of this period that

> "One could not help but be struck by the relaxed and happy atmosphere prevailing in the towns and villages, as well as the spirit of tolerance and the optimism among the politically active Timorese".

There are grounds to suggest that Indonesia was worried that East Timor was "going independent", not that it was "going communist". Yet, if Indonesia's Foreign Minister, Mr. Adam Malik, had meant his 1974 assurance to East Timor that

> "whoever will govern in Timor in the future after independence can be assured that the Government of Indonesia will always strive to maintain good relations, friendship and cooperation for the benefit of both countries",

then harmony in East Timor should have been a matter for rejoicing.

In 1975, the surrounding areas of Indonesia - West Timor, Alor, Ambon, Wetar and so on - were among the poorest and most neglected parts of Indonesia. Massive amounts of aid were flowing into Indonesia, but very little of it was reaching the outer islands. It was easy to find untreated cases of leprosy, malaria and tuberculosis. There were schools without staff or books; there were islands without paved roads or wharves.

An independent East Timor eligible for a wide range of United Nations and bilateral aid packages was seen by Jakarta as a threat, because it could exasperate existing discontent in the South Moluccas and nearby islands. But the answer to this potential problem lay not in invading East Timor but in giving greater respect and support to the aspirations of the people living in the most neglected parts of Indonesia.

When the Australian Council for Overseas Aid assessed the situation in East Timor in late 1975, it wrote that

> "the actual level of external assistance required to maintain an independent East Timor in the future would be remarkably small, at least compared to a country such as Indonesia, which will this year require some $2,800 million in loans and grants".

Indonesia could find millions of dollars towards the cost of invading East Timor, but could not find the money to provide Dapsone treatment for its many leprosy victims in West Timor.

There is a widespread belief that Indonesia wanted East Timor so as to use it as a training ground, and its behaviour both before and after the invasion supports that belief.

When Indonesia, in the early 1960s, began dropping paratroopers into Dutch New Guinea, in a campaign masterminded by Major General - now President - Suharto, it was a fiasco. The indigenous people preferred to support Dutch efforts to prepare them for independence in 10 years' time rather than believe in Indonesian rhetoric and simply handed captured Indonesian troops to the Dutch authorities. But it became a diplomatic success when the United States chose to support Indonesia rather than Holland.

Understandably, Indonesia then began planning to take over North Borneo. Suharto again played a vital role in this campaign plan. But Britain chose to support the young nation of Malaysia, and the campaign became a military and diplomatic failure.

So it is understandable that Suharto and his generals saw the small nation of East Timor as a means to restore some prestige to Indonesia's military. East Timor had no navy, no air force and an army of 5,000 men. In fact, the entire called-up strength of the Indonesian Army was greater than the total population of East Timor. The Indonesian military was so confident of success that it dropped leaflets into East Timor claiming it would control the country within five days.

In 1975, Portugal, like South Africa, was regarded by the non-aligned world as an "evil empire" because of its desire to hold on to its African colonies. President Suharto could boost his position within the Non-Aligned Movement by appearing to act against Portuguese colonialism in Timor. But it was not the Portuguese colonists who were bombed, shot, napalmed, tortured, raped and terrorized, but the indigenous people of East Timor. It is to the lasting credit of the Portuguese-speaking nations of Africa that they have persistently worked to overcome this misconception and promote the right of the East Timorese people to self-determination.

It is no longer a secret that the American and Australian intelligence services monitored every step of Indonesia's covert destabilization and invasion plans, and that they not only made no attempt to stop Indonesia or to raise the matter within the United Nations but actually supported, encouraged and helped to finance Indonesia's brutal takeover of East Timor. An operative of the Central Intelligence Agency in Jakarta in 1975 has revealed that, as well as weaponry, the United States also provided material such as soldiers' uniforms.

It is not hard to understand why. The United States was facing defeat and withdrawal in Indochina. Indonesia was offering it the opportunity to be associated with a military success, as well as a chance to be seen as a still-effective anti-communist crusader. Which then of these reasons remains as an impediment?

President Suharto, despite the slaughter in East Timor, West Papua and Aceh, and his defiance of two Security Council resolutions, has achieved his ambition of becoming a leader of the Non-Aligned Movement. Regardless of how he and his generals feel about past military fiascos, it must be clear to them that there is no military glory to be gained by killing defenceless people in East Timor. However, East Timor remains a training ground, a way to rapid promotion and a way for the Indonesian military to augment its pay through a variety of practices.

The number of Indonesians listed as communists exceeds the total population of East Timor, so that, clearly, East Timor has no influence on what Indonesia regards as its communist threat. The poverty of the eastern islands of Indonesia has been addressed only marginally. It is still not difficult to find untreated leprosy, malaria and tuberculosis; there are still villages without clean water or sanitation; and there are still communities without access to anything but the most minimal education.

Indonesia claims that it is developing East Timor. In 1966, a group of donor nations - the Intergovernmental Group on Indonesia - agreed to provide Indonesia with $500 million to help overcome the "chaos of the Sukarno years". Each year since then, the amount of assistance required by Indonesia has increased to the point where it is now over $5 billion a year. It is debatable whether Indonesia can afford to develop East Timor when its own needs for outside assistance are so great; and to channel some of this assistance to East Timor through Indonesia's bureaucracy is an extremely inefficient and inappropriate way of providing assistance to East Timor.

The United States has begun to withdraw moral support and practical assistance from Indonesia's military, and there are progressively fewer places in the world where Indonesians can be safe from embarrassing questions on East Timor.

Within East Timor itself, Indonesia has made sure that resistance will continue, because the only truly Timorese thing left to the East Timorese people is their struggle for identity and independence. Indonesians are taking over Timorese land; Timorese possessions are regularly "expropriated" by the Indonesian army; Indonesians have now taken control of all of East Timor's resources; Timorese languages are banned; Timorese culture is being undermined and derided; Timorese families and communities are broken up and dispossessed; and even the Timorese church is having Indonesian priests foisted upon it.

There are many powerful reasons why the United Nations should be willing to be as active in East Timor as it has been in Cambodia, Bosnia and elsewhere. Perhaps, too, in this International Year of the Family, more attention could be paid to Indonesia's destruction of East Timor's once rich and supportive clan, family and community structures.

The Matebian encirclement of 1976 and 1977 was as horrific as anything which has occurred in Bosnia, but there were no media to film it and it was not followed by active United Nations intervention. Instead, it was followed by massive famine, the brutal "Fence of Legs" campaign, the Kraras and Lacluta massacres, the forcible removal of much of the population from its traditional lands, the deliberate poisoning of at least 200 Timorese children. In 1991, when the Dili massacre was shown around the world, we were reminded that this tragedy came more than 30 years after the United Nations took responsibility for East Timor's decolonization and 16 years after the Security Council specifically

> "Call[ed] upon the Government of Indonesia to withdraw without further delay all its forces from the Territory" *(Security Council resolution 389 (1976), para. 2).*

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* I would remind petitioners that if they do not keep their statements brief, we run the risk that not all of them will be able to speak before the Committee.

I wish to inform the members of the Committee that the delegations of the Philippines and Sao Tome and Principe have requested to participate in the proceedings of the Special Committee's consideration of the question of East Timor. If there is no objection, I shall take it that the Committee accedes to these requests.

It was so decided.

At the invitation of the President, Mr. Allarey (Philippines) and Mr. Ferreira (Sao Tome and Principe) took places at the Committee table.

Requests for hearing

The Chairman *(interpretation from Spanish):* I wish to draw members' attention to *aide-mémoire* 19/94 Add.1 containing requests for hearing.

Mr. Nasier (Indonesia): Once again, my delegation would like to state its position on this issue.

With reference to the *aide-mémoire* of the Special Committee contained in document 19/94 of 7 July 1994 concerning requests for hearing from persons and organizations to appear as petitioners and speak about the so-called question of East Timor, I wish to convey the position of my delegation, which is as follows.

The process of decolonization in East Timor has been carried out in conformity with the provisions of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV), thus terminating the colonial status of the former Territory.

Consequently, the integration of East Timor into the Republic of Indonesia, as its twenty-seventh Province, was formalized on 17 July 1976, with rights and obligations equal to those of the other Provinces.

In this context, my delegation reiterates its firm view that the retention of the so-called question of East Timor in this Committee's agenda and the resultant granting of hearings to petitioners by this Committee would be unwarranted and, hence, unacceptable.

The Chairman *(interpretation from Spanish):* The reservations expressed by the representative of Indonesia will be reflected in the record of the meeting.

With that understanding, and if there are no further comments from the members of the Committee, may I take it that the Committee agrees to accede to these new requests for hearing?

It was so decided.

At the invitation of the Chairman, Ms. Consuelo Villanueva took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I now call on Ms. Consuelo Villanueva of Amnesty International.

Ms. Villanueva (Amnesty International): Each year for the past decade, Amnesty International has come before this Committee to articulate its concern about human rights in East Timor. Each year our criticism has been directed principally towards the Government of Indonesia, whose policies and practices have been directly responsible for systematic human rights violations in the Territory for almost 20 years. This year we feel compelled to break with tradition. We address our remarks today not only to the Government of Indonesia but also to Member States of the United Nations who, in our view, share responsibility, both direct and indirect, for the long-standing human rights problem in East Timor.

Speaking before this Committee last year, we welcomed the adoption of a resolution on East Timor at the forty-ninth session of the United Nations Commission on Human Rights, and we expressed the hope that Member States of the United Nations would continue to press the Indonesian Government to carry out the concrete recommendations contained in that resolution. We believe that by doing so, and by insisting that the Government abide by international human rights standards, United Nations Member States could contribute significantly to an improvement of the human rights situation in the Territory.

Sadly, in the year and a half since that 1993 resolution was adopted, the international community has effectively turned its back on the reality of systematic human rights violations in East Timor. It has accepted uncritically the Indonesian Government's promises of commitment to human rights and "political openness". The emptiness of those promises has been brought home in recent weeks with the banning of three of the country's leading news magazines and by the use of repressive measures, including arbitrary detention and ill-treatment, to suppress those who have had the courage to speak out against them. Such measures may have come as a surprise to those eager to believe the Government's blandishments about the new climate of "openness", but they are nothing new to most East Timorese. Speaking in September 1993, the Catholic Bishop of East Timor, Dom Carlos Filipe Ximenes Belo, put it this way:

> "People are not allowed the possibility to speak differently, to hold a different opinion... They are also denied the fundamental right to express what they would like to be politically... The military say they don't beat anyone, that they respect the people, that they work for the prosperity of the people. But for me it is a pure lie. From 1983 till now I have heard only lies from them."

Many Governments, while publicly professing concern over human rights in East Timor, have continued to supply military equipment to Indonesia, equipment which could be used to commit human rights violations in East Timor. Others have provided military training to, or have conducted joint exercises with, Indonesian armed forces units well known for human rights abuse. And while some

Governments have linked economic assistance to human rights performance, most aid donors have steadily increased their level of aid to Indonesia. Nor have expressions of concern for human rights had any noticeable impact on trading patterns. The willingness of foreign Governments to conduct business as usual sends a clear signal that human rights take second place to economic interest.

The lack of concerted pressure from the international community has contributed to the perpetuation of a pattern of systematic human rights abuse in East Timor in the past year. Torture and ill-treatment have continued to be the centre-piece of a strategy for silencing real and suspected political opponents and for extracting political intelligence through intimidation and coercion. Extrajudicial executions have continued to be reported, while the fate of those killed or "disappeared" in past years has yet to be clarified. Following a well-established pattern, hundreds of alleged political opponents have been arbitrarily detained within the past year, and at least 23 are now serving terms of up to life imprisonment following unfair political trials.

Despite its stated commitment to the protection of human rights, the Indonesian Government has done little to investigate past violations and has failed to take significant measures to prevent their future occurrence. Military authorities continue to dominate the Government and to operate with considerable autonomy and with scant regard for human rights concerns. With rare exceptions, the perpetrators of human rights crimes have not been brought to justice, and, notwithstanding repeated Government claims of increased openness, access to East Timor remains limited.

The weakness of the international posture towards Indonesia was epitomized by the Consensus Statement read out by the Chairman of the United Nations Commission on Human Rights in March of this year. Despite the fact that the Indonesian Government had failed utterly to implement any of the concrete recommendations made in previous resolutions, in particular the Commission's 1993 resolution, the Consensus Statement praised the Government for unspecified "positive measures" it had taken towards the protection of human rights. The dangers inherent in such a weak statement have been grimly illustrated by evidence of continuing human rights violations in the past year. Indeed, far from encouraging the Indonesian authorities to improve their human rights practice, as some Governments claimed it would do, the Consensus Statement appears only to have encouraged them to preserve the status quo.

In Amnesty International's view, the Commission's Statement was defective in four important respects. First, it made no mention of the problem of torture and ill-treatment of political detainees, despite the fact that the systematic use of torture continued and that specific incidents of torture were reported by Amnesty International even as the Commission met. Also shocking was the Commission's failure to mention the recommendations made by the United Nations Special Rapporteur on torture following his visit to East Timor and Indonesia in late 1991. More than two years after that visit the Indonesian authorities had begun to implement only one of those recommendations. The Commission's failure to refer explicitly to torture or to the Special Rapporteur's recommendations has helped to ensure that nothing has changed. As the evidence appended to the Statement demonstrates, torture continues in East Timor.

Secondly, in its reference to East Timorese political prisoners, the Consensus Statement conspicuously avoided mentioning that more than 30 people have been imprisoned in the past three years for their non-violent political activities or beliefs, including six in the past year alone. It also failed to note that several hundred other alleged critics or opponents of Indonesian rule in East Timor have been subjected to short-term, arbitrary detention without charge or trial in recent years. Instead, it called lamely upon the Indonesian Government to ensure that prisoners would be "treated humanely" and that their rights would be "fully respected". The Commission appeared not to recognize that arbitrary detention is fundamentally inconsistent with the principles of humane treatment and respect for basic rights that it is entrusted to uphold. It also failed to note that, as a matter of principle, those detained for their non-violent political activities or beliefs should be released immediately and unconditionally.

Thirdly, with respect to the problem of extrajudicial executions and disappearances, the Commission's Statement conveyed a misleading impression of the extent and nature of the problem in East Timor. In acknowledging the efforts made to account for those persons missing after the Santa Cruz massacre, the Commission obscured the inadequacy of the Government's response. As Amnesty International reported during the Commission's 1994 session, the Government has provided clarification of the fate of only a small fraction of the estimated 270 dead and 200 "disappeared", and has attempted to disguise the inadequacy of its efforts by publishing information which is false and misleading.

Moreover, by focusing exclusively on those killed in November 1991 the Commission has lent credence to the Indonesian Government's claim that the massacre was an isolated incident, which did not reflect official policy or an established pattern of practice. The clearest evidence that the Santa Cruz massacre was not an isolated incident lies in the fact that scores of political killings have been reported in East Timor since 1991 - including at least 20 in the past year alone.

The Commission gave a seriously misleading impression of the human rights situation when it welcomed what it called a policy of expanding access to East Timor by international human rights and humanitarian organizations as well as the international media. The fact is that all delegations visiting East Timor continue to be kept under close surveillance, making genuine human rights monitoring difficult and potentially dangerous to those they contact. As the evidence appended to this statement makes clear, in the past year alone scores of East Timorese have suffered imprisonment, torture and ill-treatment because of their efforts to gather and disseminate information about human rights abuse in the Territory. Thus, while the Government's decision to invite the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions to visit East Timor in July 1994 was undoubtedly a positive step, concern remains that such obstacles and dangers will limit his ability to conduct a thorough and impartial investigation. Finally, it must be stressed that, notwithstanding assertions about "expanding access", some international human rights organizations - including Amnesty International - continue to be denied access to the Territory altogether.

Every year for the past decade Amnesty International has testified before this Committee in the sincere hope that it will be the last time. But it is only too clear that unless the Government of Indonesia takes immediate and concrete measures to address the root causes of human rights violations, and unless Member States of the United Nations apply concerted pressure on the Government to fulfil its responsibilities under international law, it will be necessary to return here for many years to come.

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* If no member of the Committee wishes to speak, I wish to repeat our appeal to petitioners appearing today. Although they must make their statements as brief as possible, they must also speak at an appropriate speed, so that the interpreters may do their job properly. It becomes impossible to interpret if statements are delivered at a very high speed, as some have been this morning.

Each complete statement will be reproduced and will be available to all members of the Committee and the press as well as all members of the Secretariat. Therefore, we ask petitioners to try to select the part of their statement that they consider to be the most important and to read it out this morning at an appropriate speed, both so that the interpreters can do their job and so that everyone can exercise his or her right to speak in the Committee.

At the invitation of the Chairman, Ms. Sharon Scharfe (East Timor Alert Network/Canada) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Ms. Scharfe.

Ms. Scharfe (East Timor Alert Network/Canada): My name is Sharon Scharfe and I represent the East Timor Alert Network/Canada (ETAN). ETAN is a grass-roots organization, with branches in 15 Canadian cities. ETAN is present at this Committee's hearings to add the concerns of Canadians relating to the ongoing tragedy in East Timor.

One of the activities ETAN pursues is lobbying the Canadian Government and Members of Parliament to bring a greater emphasis concerning human rights into Canada's foreign policy relating to Indonesia. There have been some successes, which I will briefly outline.

The Canadian Government has stated that human rights concerns are an integral part of its foreign policy. To this end, Prime Minister Chrétien expressed his concerns about human rights violations in East Timor when he met with President Suharto in Seattle in November 1993.

However, the clearest indication of Canada's expressed concerns has been reflected in its aid policies. After the 1991 Dili massacre the Canadian Government suspended three planned aid projects totalling $30 million. Last November Canada informed the Indonesian Government of its decision to remove these projects from its development programme. In May this year the Indonesian Government cancelled a Canadian aid project in Sulawesi totalling $38 million due to the strong human rights criticisms that were being raised by Canadian citizens concerning the Indonesian Government's genocidal actions in East Timor. These two cases are the best expressions of the fact that the Canadian Government is listening to the concerns of Canadian citizens.

I recently had the privilege of attending the Asia-Pacific conference on East Timor in the Philippines. While there, I spoke on the issue of human rights violations in East Timor in the context of those experienced by women. While I am not a Timorese woman, and I do not purport to speak on their behalf, I would like to take a moment or two to draw attention to some of my findings.

There are two categories where Indonesia's illegal occupation and genocidal actions have specifically affected women in East Timor, namely, those women who are actively resisting - that is, involved with FALINTIL - and those who are passively resisting. I will focus on the second category, passive resistance, which can be broken down into two sub-categories, the first being women who are directly affected and the second being women who are indirectly affected.

East Timorese women have been directly affected by Indonesia's invasion. Untold tens of thousands of women have been murdered, raped, sexually assaulted, tortured, kidnapped and forcibly sterilized. While it is impossible to speak of all the horrors that the women of East Timor have experienced, I will give a brief overview of some of the crimes experienced specifically by women.

There are many documented cases of women who have been forced to become local "wives" for the Indonesian military posted in East Timor. This has led to children being conceived, fathered by these imposed husbands.

Other women have been raped by Indonesian soldiers in front of their families. For Timorese people, worse than physical suffering was the moral suffering - the humiliation, the taking away of the dignity of the people. Many ask Indonesian officers "Don't you have mothers, sisters; don't you know what it means to be human?" Monsignor Martinho da Costa Lopes, a former parish priest and assistant to the Bishop in Dili, recounts:

> "People came knocking at my door in the day and the night, for years, whispering of terrible things. From 1975 the Bishop's residence was full of girls seeking refuge. In the Comarca prison were women who had all been raped and abused. They told me when I spoke with them. We heard constantly of young girls being abused by soldiers. The Indonesians often use Timorese not as people but as toys, young girls especially. They see a beautiful girl they want, then after they have used her they ignore what happens to her, like a child with a toy."

Many East Timorese women were raped and sexually assaulted while in custody, whether in the custody of the police or while being held in jail. Often such rapes result in pregnancy.

In 1985 a family planning centre funded by the World Bank was built in Dili. Already by that time 183 of the 442 villages in East Timor had family planning centres, and the programme most vigorously pursued in East Timor was the family planning programme of the Indonesian Government.

Contraceptive methods promoted in East Timor and elsewhere include condoms, the Pill, injection of hormones, IUD and implants, but in East Timor the use of injections - notably of Depo Provera - is proportionately greater than in Indonesia. It is not difficult to understand the relationship between population control as a target-based programme and the type of contraceptive promoted. Condoms and the pill are falling out of favour with the family planning agency because the effect depends on the decision of the individual, whereas IUDs and implants, which can only be inserted and removed by trained medical staff, are considered effective. "Effective" is synonymous with "low user control". The long-acting hormonal contraceptive implant Norplant, lasting five years, is termed a "most effective contraceptive", along with IUDs and sterilization.

The "informed consent" which is essential in any birth control programme, if it is not to be regarded as a human rights violation, is often not present, according to East Timorese nurses who have observed East Timorese women being injected and who have since emigrated to Portugal. These nurses say that in many cases the women are never even told that the injection they are being given is a contraceptive. In one specific case, high school girls were injected with Depo Provera without their knowledge.

It is very difficult to refuse to take part in these programmes, because village leaders are urged to cooperate, and in some cases they are imposed as the norm where local clinics for birth control are under the supervision of the military. It is nearly impossible for women in East Timor to protest forced birth control. The villages of East Timor are under the de facto control of the Indonesian military, and to protest against forced injections is to lay oneself open to execution or disappearance.

The World Bank official who was responsible for the birth control programme in East Timor stated that

> "Although at the beginning of the programme there may have been excesses or cases of force, now the Indonesian health officials are carrying out proper guidance".

The non-governmental Indonesian Family Planning Association has said that it does not have a project in East Timor because "the conditions are not present for carrying out family planning".

Given that over 200,000 East Timorese have been killed since Indonesia invaded in 1975, it is impossible for the Indonesian Government to state that there is a problem of overpopulation. In fact, the genocidal policies of Indonesia have been so effective that in 1989 the United Nations presented the United Nations population award to President Soeharto.

Another effective method for keeping the birth rate in East Timor to a minimum is having hospital staff kill newborn babies because the child's parents are suspected of belonging to FRETILIN. As a result of these and other abuses by hospital staff, it should be noted that many East Timorese, male and female alike, prefer the clinics run by the sisters over the horrors of the hospitals. In East Timor, people say, "We go to the hospital to die". They cannot trust or depend on the hospitals.

The second category I have identified relates to women who have been indirectly affected by Indonesia's illegal occupation. They include women whose husbands, children, parents, other relatives and friends have been killed or tortured or have disappeared. This was reiterated in a recent letter written to Hillary Clinton by a group of mothers in East Timor. I will be brief on this topic owing to time constraints. Just one example of these indirect abuses relates to the Indonesian military, which kidnaps male East Timorese children and takes them back to Indonesia to act as servants.

What is happening in East Timor is in direct contravention of many international conventions. These include the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Discrimination against Women, which Indonesia has ratified, the United Nations Charter, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and, most relevant to the Special Committee, the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Given that the people of East Timor have been subjected to alien subjugation, domination and exploitation for almost 19 years by the illegal presence and genocidal actions of the Indonesian military, which constitutes a denial of fundamental human rights, and given the human rights violations that have been occurring systematically against women in East Timor during this time and continue unto today, the East Timor Alert Network/Canada calls upon the Special Committee on decolonization to send a special mission to East Timor to obtain first-hand information on these abuses. Such a mission should be carried out in conjunction with the Government of Portugal, which is the United Nations-recognized administering Power of East Timor.

East Timor is the largest Territory on the Special Committee's agenda of Non-Self-Governing Territories. Only when the Indonesian military has pulled out of East Timor and that State is given the right to a free and fair vote will the women of East Timor begin the long-overdue healing process.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Kan Akatani (Japanese Catholic Council for Justice and Peace and Free East Timor Japan Coalition) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish)*: I call on Mr. Akatani.

Mr. Akatani (Japanese Catholic Council for Justice and Peace and Free East Timor Japan Coalition): I am an advisor to the Japanese Catholic Council for Justice and Peace and the alternate United Nations representative of the International Federation of Non-Governmental Organizations for East Timor. I shall read out two statements, one on behalf of the Japanese Catholic Council for Justice and Peace and the other on behalf of the Free East Timor Japan Coalition.

I shall first read out a statement from Aloisius Soma, former Bishop of Nagoya and former President of the Japanese Catholic Council for Justice and Peace. That statement reads as follows:

> "Some 19 years have already passed since Indonesia, in violation of international law, invaded East Timor. Although the East Timor issue has drawn international attention since the deplorable Santa Cruz massacre of three years ago, when one asks whether

Indonesia is trying to change its policies towards East Timor, the answer has to be a clear no. Although on the surface, and temporarily, Indonesia may be adopting a 'more open' policy towards East Timor, the information reaching our Council from East Timor is that the pressure of the military on citizens at large and on the Catholic Church is only increasing, and that 'Indonesianization' is moving with greater acceleration through such measures as emigration, so that a solution in line with international law is called for at the earliest possible time.

"I attended the Asia-Pacific Conference on East Timor held at the University of the Philippines in Manila between 31 May and 4 June of this year. I believe that many members are aware of the what happened at that conference. The Philippine Government, under pressure from the Indonesian Government, issued 'Refusal of Entry' to many foreign participants in the conference. I, too, was refused the right to board the Pakistan International Airways plane at the scheduled time of departure. Fortunately for me, Jaime Cardinal Sin of the Philippine Catholic Church interceded on my behalf with the Philippine Government and made my attendance possible. I wish to use this occasion to express my sincere appreciation and admiration for my Catholic colleagues in the Philippines for taking the course of justice under incredibly intense political pressure.

"The Conference, on its last day, passed 18 resolutions, in the most important of which the Conference called for the release of Xanana Gusmao and all political prisoners and for Xanana's participation in negotiations to resolve the East Timor situation; advocated an immediate cease-fire, the complete demilitarization of East Timor, and a fair and honest referendum under the supervision of the United Nations; supported the CNRM's peace proposal and other East Timorese groups' initiatives for genuine self-determination; requested the Commission on Human Rights Special Rapporteur on torture to consult women in East Timor regarding atrocities against women and sexual violence and rape by the Indonesian military in East Timor; condemned Indonesia's forced birth control and aggressive family planning programme in East Timor; extended its solidarity to the women of East Timor; urged the Indonesian Government to uphold its own promise to allow expanded access to East Timor for human rights and humanitarian organizations, the media, and United Nations special rapporteurs; expressed support for the pro-democracy movement in Indonesia; recognized East Timor as a sovereign people and nation; and affirmed its commitment to help in the struggle of the Maubere people for genuine liberation in any way it can.

"At the Conference I made a joint appeal for East Timor on behalf of the participants from the Asia-Pacific region. I appealed to Indonesia to resolve the East Timor issue peaceably, as soon as possible, in line with the ideals expressed at the time of Indonesia's founding and the principles of the United Nations. I added that

> 'When the people of East Timor achieve their independence, they do not want to be opposed to Indonesia as an enemy, but wish to create friendly and peaceful relations with Indonesia'.

"And addressing the United Nations, I asked the Organization to carry out its work in decolonization, which is one of its ideals, with even greater vigour than heretofore, and to convince Indonesia that the liberation of East Timor, although it is a small country of Asia, was important to the world and to Asia."

In conclusion, I crave the Committee's forgiveness in touching on a personal matter. At the present time, I am a retired bishop and have been relieved of all ecclesial duties. However, I wish to say that I intend to exert all my efforts from now on so that my sisters and brothers in East Timor can attain true happiness. I gather than Jaime Cardinal Sin, the Primate of the Philippines, deplored the undemocratic and inhumane action taken by the conference on East Timor and conveyed them to Bishop Belo in East Timor.

In the resolution of the East Timor question, the time has come to do away with all manner of political and religious manoeuvring. The time has come for the United Nations to recognize anew that it is its true function to push for the resolution of this question.

I wish to close my statement by asking the United Nations to exert their best efforts towards that end.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Hideshi Kajioka (Free East Timor Japan Coalition), took a place at the petitioners' table.

Mr. Kajioka (Free East Timor Japan Coalition): It is an honour to address this Committee, a Committee overseeing one of the most important tasks for which the United Nations was founded, the decolonization of territories under colonial rule.

As the fiftieth anniversary of the establishment of the United Nations approaches, it is the deep-felt hope of my organization that all the territories that fall within the Committee's mandate be able to exercise their right to self-determination as expeditiously as possible. Certainly in the case of East Timor, failure to achieve this goal would be a betrayal of the principles upon which the United Nations rests and a cruel denial of justice to the people of East Timor.

It is the belief of my organization that public opinion can play a positive role in support of the work of the United Nations to find a solution to the East Timor issue. Therefore, this May, the Japan Coalition invited British journalist Max Stahl to publicly report on his findings from a three-month visit to East Timor in the latter part of 1993. His findings regarding a "second massacre" in Dili after the shooting of mourners at the Santa Cruz cemetery were presented by an eyewitness at the meeting of the Commission on Human Rights in March of this year and in "Death of a Nation", a TV documentary shown in a number of countries. I will therefore present some conclusions from these disclosures that I believe are particularly relevant to us here today.

In contrast to the gunning down of mourners at Santa Cruz cemetery by uniformed soldiers of the Indonesian armed forces, many victims of the "second massacre" are believed to have died at the military hospital in Dili after being given a powerful disinfectant, paraformaldehyde, in pill form, with the knowledge of Indonesian doctors. Two survivors described some of the symptoms that resulted from taking the pill, and those symptoms were later confirmed by a specialist in London who analysed a tablet of the exact type administered in the Dili hospital: burning sensation in the chest, dizziness, lethargy, ataxia and coma. When death occurs, it is attributed to circulatory collapse.

A Timorese lab technician who witnessed soldiers administering the pills to the wounded who lay in the hospital morgue asserts that the pills could not have been released without orders from the Indonesian medical personnel. Since there is no benign medicinal use for this drug, Mr. Stahl said:

> "it is clear that the soldiers and assistants who administered them and the authorities who released them from the medical stores did not do so to help the wounded, almost certain that they believed they would kill or assist them in the process of finishing off the wounded who had been sent to the morgue".

Throughout the orgy of killing and abuse of the wounded, hospital director Dr. Nyoman Winyata and a junior doctor on six months' national service were in attendance in the hospital, within sight and supervising proceedings, according to the witness.

If it is possible to say, as some do, that the shooting of mourners at the cemetery was an aberration or an overreaction to provocation, it is certainly not possible to say the same for the action of the medical staff of the military hospital who helped to finish off the survivors. Mr. Stahl drew a comparison with the Nazi doctors who administered disinfectants to Jewish victims, whom the doctors regarded as "vermin". One is also reminded of the Japanese doctors of the infamous "Unit 731", who felt no compunction about performing unspeakably cruel experiments on live, Chinese, Russian or Korean "logs", as they called their victims.

This is not the first report of Indonesian medical personnel in East Timor collaborating in the murder of East Timorese, but time does not allow me to go into detail here. What I wish to point out is that, as with the Nazi and Japanese doctors, it is evidently the perception that the victims are essentially different from the doctors themselves that psychologically allows the doctors to collaborate in their murder. Yet when Indonesia seeks to justify its presence in East Timor, it asserts, in a manner similar to the argument Imperial Japan used to justify its colonial rule in Korea and Manchuria, that the East Timorese are brothers. Hard reality gives the lie to this assertion.

Another point which should be kept in mind is that for fully two and a half years after these events, no international body has gone to that hospital to conduct an investigation. One has never heard even a suggestion that the medical personnel involved will be brought to justice. When some reporters tried in February of this year to interview Bishop Belo about the second massacre, they were prevented from meeting him. Instead, a Father Marcus Wanandi, an Indonesian priest whose brother has been one of the key strategists in Indonesia's invasion and occupation of East Timor, met the journalists and told them that the events described were not true.

After an excruciatingly long process, the Commission on Human Rights succeeded in sending its Special Rapporteur on summary and arbitrary executions to East Timor. I believe he is there at this very moment. All concerned are to be commended for achieving this visit, but the fact that it has taken so long for even this modest step indicates the extent to which the occupying Power in East Timor considers itself free to do whatever it likes to the long-suffering Timorese without fear of serious international censure. And it should be noted that the authorities have been preparing for the Rapporteur's visit by, among other things, moving political prisoners from Dili to the island of Java to make sure that the Special Rapporteur does not have contact with them.

Indonesia takes pains to persuade the world that it is improving the situation of the people in East Timor, but the above examples show that as long as the East Timorese are forced to live under foreign occupation, there can be little hope for a fundamental improvement in their lot.

Colonialism is an affront to the human dignity of the colonized but, as the past 19 years all too graphically show, it also brings out the worst characteristics in the colonizers. Many Indonesian people are beginning to learn about the indignities and atrocities that the East Timorese have suffered under the Indonesian occupation and are ashamed and angered. Some are speaking out against the occupation at risk to their own safety. I believe that, for the majority of Indonesians, the liberation of East Timor will bring to an end a very sad chapter in their country's history and be greeted with tremendous relief. In the case of South Africa, the untiring struggle over decades, led by the United Nations, against the apartheid system, resulted in a victory which has ushered in an era of hope for blacks and whites alike. There is no reason why the United Nations cannot achieve a similar success in East Timor if it has the will to do so.

The petitioner withdrew.

At the invitation of the Chairman, Mrs. Ingela Martinsson (Parliamentarians for East Timor) took a place at the petitioners table.

The Chairman *(interpretation from Spanish):* I call on Mrs. Ingela Martensson.

Mrs. Martensson: Thank you, Sir, for giving Parliamentarians for East Timor the opportunity to express its concern with the ongoing illegal occupation of East Timor. My name is Ingela Martensson and I am a Member of the Swedish Parliament and an active member of the human rights group in Parliament. I am also a member of the board of the United Nations Association of Sweden, one of whose priorities is the question of East Timor.

It is an honour to be able to address the Special Committee on decolonization, which has taken upon itself the noble task of eradicating colonialism by the end of this decade. Parliamentarians for East Timor is an international organization comprised of more than 200 Members of Parliament from over 20 countries.

I am glad to be here today on behalf of this organization. I was especially asked by the organization to come here today because I was in the Swedish parliamentary delegation that visited East Timor and Indonesia in September last year. Our visit was the first visit by parliamentarians since the Santa Cruz massacre, when Indonesian Government troops opened fire against a peaceful demonstration and approximately 275 East Timorese were killed. Based on my first-hand experience from visiting East Timor, I wish to draw members' attention to the following concerns of both myself and Parliamentarians for East Timor.

It should be noted that there was no criticism by the Indonesian Government of our visit while we were in the country. The criticism came afterwards, when we publicly told of our experience. I wish to stress that we were visiting as observers and individual members of the Swedish Parliament and were not officially sent by the Swedish Government or Parliament. The Indonesian Government does agree that respect for human rights is a universal matter, but in practice it does not accept international criticism about violations of human rights. As long as Indonesia still refuses to approve and ratify the Convention relating to human rights, it is necessary to increase observation and criticism of the Indonesian regime.

In Indonesia, and especially in East Timor, the oppression is tremendous. The East Timorese people are living as if in a prison, observed by the military and the police. There are approximately 10,000 Indonesian soldiers in East Timor and about 3,000 police. Some sources say that there are 14 battalions and that the number of soldiers is as high as 14,000 to 15,000. The Vice-Military Commandant claimed that the troops mainly occupied themselves with the building of roads, villages and houses for the population. The aim of this was to move the Timorese to the agricultural areas.

Our suggestion is that it would be more economical and rational to allow professional civilians to build roads and housing. Of course, this was a difficult question for the authorities to answer. The true explanation is that military and police forces are all part of the enormous oppression apparatus against the country's Timorese inhabitants. The new roads have fulfilled an important military function in the fight against the guerrillas. The military forces have built approximately 5,000 houses. Some 40 new villages have been established in various parts of the country. On the first day of our visit to East Timor we visited one of these villages, a little more than one hour from Dili by car. It reminded me of the so-called strategic or collective villages that I have seen in northern Iraq. There is no doubt that the majority or maybe all of the inhabitants would like to return to their own villages.

It was impossible for us to speak to the people in the street in Dili, because we were followed all the time by security police or military persons. But we had the opportunity to meet with the head of the Catholic Church in Dili, Bishop Belo. He has been the Bishop for the past 10 years and can be considered the voice of his people. He is a very courageous man in a most repressive society. Bishop Belo told us that the harsh treatment of those who do not recognize Indonesia's authority over East Timor has intensified. He also told us that he has received letters and information from prisoners and ex-prisoners about different kinds of torture. Bishop Belo stated that the situation with regards to human rights has simply not changed. He said that a total withdrawal of the Indonesian troops is absolutely necessary.

The Bishop feels that the meetings with United Nations Secretary-General Boutros Boutros-Ghali are important, but that the East Timorese people should be represented in the talks, as they are the party most concerned in this issue. These representatives should not be picked out by the Indonesians but by the people of East Timor. Bishop Belo had suggestions about East Timorese persons who could take part in the negotiations. He was also willing to participate himself if the church agreed.

Another question of great concern is the imprisonment of Xanana Gusmao. He is a symbol for the East Timorese resistance. He rejects Indonesia's claim that it has integrated East Timor into Indonesia. He denies that he has been or is an Indonesian citizen. Gusmao is now serving a 20-year prison sentence. Along with my colleagues, I applied for permission to visit with Gusmao. Unfortunately, it was not possible, though we had a conversation with two judges at the court in Dili where Gusmao was tried.

I should like to add that one of the MPs on our delegation is a very experienced lawyer with a special interest in human rights. After interviews with these judges and other authorities, and after studying certain written documents, our conclusions were as follows:

The verdict seems to have been preceded by conclusions and judgements which were made by other authorities in Jakarta and Dili. The method of trial used was not in accordance with the rights of the accused and did not comply with the international standards for a just and correct trial, neither did the trial comply with the Indonesian laws for criminal trials. The violations against Gusmao started immediately after the arrest. No lawyer was present during the police and military interrogation. The claims of the Indonesian authorities that Gusmao did not wish any lawyer to be present do not seem to reflect the expression of his free will.

And these claims do not seem convincing when one considers the outcome of the case. A defence lawyer was later assigned to the case, but it is well known that he has close contacts with leading Indonesian military figures, and his actions did not seem to be in Gusmao's best interests. The two judges we talked to could not give a clear answer on whether or not Gusmao had been given a lawyer of his own free choice.

The trial was public, but international observers were not given the opportunity to look at any documents on the matter. We asked to be allowed to look at the court files - the unconfidential sections - but this request was refused, and it was explained that the entire file had been sent to Jakarta. There were no copies of the file left at the court, which is exceptional.

The court's refusal to allow Gusmão to present his own defence is not only against Indonesian law but also in conflict with international standards and conventions. Many of the witnesses who appeared at the trial were themselves prisoners, either after their sentencing or prior to their own trials. There seems to be doubt about how voluntary the witnesses' accounts were. It was a large handicap for the witnesses to know that what they said at the trial might be used against them at their own trials later on. However, the fact that the so-called anti-subversive law was not used against Gusmão was positive. But, on the other hand, strong objections could be made - and were made - against the application of Indonesian laws and trial procedures. This is not in compliance with international standards, as Indonesia's authority over East Timor has not been internationally recognized by the United Nations.

Because of all these faults, Parliamentarians for East Timor feels that the judgement against Gusmão cannot be accepted. He should therefore be set free immediately and guaranteed a sanctuary of his own free choice.

Parliamentarians for East Timor had a meeting with Secretary-General Boutros Boutros-Ghali on 3 February this year. I had the privilege to participate in that meeting. I should like to reiterate here some of the issues that our organization raised that are applicable to the considerations of the Special Committee.

Since the breakdown of the arrangements for a visit to the territory by Portuguese Parliamentarians in November 1991 and the Santa Cruz massacre that same year, there have been four meetings of the Foreign Ministers of Portugal and Indonesia under the Special Committee's auspices. No progress has been made in addressing the issues of principle dealt with in the resolutions of the Security Council and the General Assembly.

The Indonesian Government has stuck to its position, as was said here this morning, that the annexation of the Territory was validated by the vote of the Regional Popular Assembly of 31 May 1976 and that the process complied with the requirements of General Assembly resolution 1541 (XV) of 1960. It claims that in the capital, Dili, the members of that Assembly were chosen on the principle of one man, one vote, and elsewhere they were appointed

> "in accordance with the tradition and identity of the people of East Timor".

There is no evidence that any elections were even held in Dili. According to many Timorese who were there at the time, all 37 members of the People's Assembly were hand-picked by the occupying forces. The conditions for a free and fair election in Dili did not exist, since many of those who would have been eligible to vote had fled into the countryside and the town was under military occupation.

Parliamentarians for East Timor notes with satisfaction that in January 1994 the Secretary-General instructed a team of Secretariat officials led by Director of Political Affairs Francesc Vendrell to visit Lisbon, Jakarta, East Timor and Australia to work out an initiative that would pave the way towards solving the core issue of self-determination. We welcome the fact that in Lisbon, Jakarta, East Timor and Australia the mission held meetings with East Timorese groups to hear their views. In particular, we were delighted to know that the mission held private consultations with the jailed East Timorese resistance leader Xanana Gusmão. This mission signals for the first time a move by the United Nations to consult East Timorese opinion, as required by resolution 37/30.

The East Timorese people have suffered from war and foreign occupation for nearly two decades. It is high time the United Nations took concrete initiatives to bring an end to their suffering in the short-term in a way that will lay the basis for resolving the core issue of self-determination. Parliamentarians for East Timor feels that the time has come for specific moves to pave the way for a formal act to assess the views of the people regarding their future. To this end, we recommend the following:

First, the Secretary-General should formally propose to all parties concerned the withdrawal of the Indonesian armed forces from the Territory and the holding of a referendum under strict international supervision, in accordance with the resolutions of the General Assembly and the Security Council. He should also propose the establishment of a temporary administration in the Territory to ensure that the registration of electors is conducted properly and that freedom of expression and of assembly is observed during the period leading up to the referendum.

Secondly, pending moves to deal with the core issue of self-determination, it is proposed that the United Nations establish a permanent presence in East Timor under the direct supervision of the Office of the Secretary-General, for the following purposes: to oversee the demilitarization of the Territory and the removal of all heavy weapons and military equipment; to enable the United Nations specialized agencies to take care of the humanitarian needs of the people; to monitor the human rights situation in cooperation with the East Timorese church and independent Indonesian human rights non-governmental organizations, such as the Legal Aid Foundation; and to restore, to the people of East Timor [freedom of assembly, freedom of association and freedom of expression].

It is recognized that the Indonesian Government will not take to these ideas immediately, but over the 18 years since the invasion, the absence of any sign of determination to uphold the principles of the United Nations Charter and of the Declaration on the Granting of Independence to

Colonial Countries and Peoples has been a serious hindrance to progress.

In summary, it is recommended that the Special Committee, in conjunction with the Secretary General, first make it clear to the Indonesian authorities that their compliance with the terms of the 1994 Chairman's Consensus Statement of the United Nations Commission on Human Rights represents an important and needed confidence-building measure, as an expression of their good will and recognition of the wishes of the international community; secondly, impress upon the Indonesian authorities the need to allow free and unfettered access to the Territory for parliamentarians and journalists as well as for human rights organizations, in particular Amnesty International and Asia Watch; thirdly, urge the Indonesian authorities to release unconditionally all East Timorese political prisoners, whether tried or not; and last but not least, press for the annulment of the manifestly unfair trial of resistance leader Xanana Gusmão and to secure his release so that he can play his rightful part in consultations to reach a solution to the question of East Timor.

However, respect for human rights is not enough. The people must be allowed to choose their own future.

East Timor is the largest Territory left on the agenda of this Committee. The only reason it is still there is the intransigence of the Indonesian dictatorship. Ultimately, the solution will come from the people of Indonesia, many of whom have no wish to cling to East Timor. If Indonesians were allowed a real democracy, with all people free to speak their minds, I expect that East Timor would soon be free.

Finally, I ask that this Committee also listen to the Timorese voices that are pleading for their rights. The Special Committee on decolonization has an opportunity today to take a step towards freedom for another colonized Territory. I hope that it will take that step and help end the suffering of the East Timorese people.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Thomas S. Mahedy (Pax Christi International) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Mahedy.

Mr. Mahedy (Pax Christi International): Pax Christi International would like to thank you, Mr. Chairman, and the other members of the Special Committee of 24 for this opportunity to present an intervention on the question of East Timor. Pax Christi International, the international Catholic peace movement, appreciates your efforts in working with the interested parties to implement the Committee's mandates.

The Universal Declaration of Human Rights, General Assembly resolution 1514 (XV) of 14 December 1960 on decolonization, and Security Council resolutions 384 (1975) and 389 (1976) provide a basis for working for specific human rights, including the right to self-determination.

The United Nations Commission on Human Rights continues to make recommendations to investigate and prevent abuses against the Timorese people, including recommending use of the United Nations Special Rapporteur on torture.

Pax Christi International supports all these United Nations efforts, including the use of the Secretary-General's good offices to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor.

Human rights organizations and all other involved parties have a role to play in this process. Amnesty International's 16 February 1994 report, *Fact and Fiction: Implementing the Recommendations of the United Nations Commission on Human Rights*, provides valuable documentation. It includes a 14 January 1994 letter from Bishop Carlos Felipe Ximenes Belo of Dili, to a friend. He wrote:

> "With this letter I would like to let you know that torture continues in East Timor. On January 4, 1994, in Dili, the military were waiting for a young man named Salvador Sarmento, who is a student at the Pastoral Institute. When he left the classroom they took him, stuck him in a military vehicle, and took him to a place where he was kicked, beaten, tortured until he was almost dead. Then they forced his parents, who are illiterate, to declare that they had seen their son participate in subversive meetings. With these kinds of injustices, they want to force a declaration that Father Sancho Amaral is a priest who is against Indonesia."

In a Pax Christi International intervention at the 50th meeting of the United Nations Commission on Human

Rights, on 18 February 1994, we reported that witnesses interviewed by Mr. Max Stahl testified that survivors of the 12 November 1991 Dili massacre were killed after being taken to Wira Husada military hospital. The massacre has yet to be fully investigated.

Pax Christi calls for the release of all East Timorese political prisoners, including Xanama Gusmão.

While a long-term solution in East Timor continues to be debated, initiatives can and must provide a foundation for mechanisms to deal with self-determination issues. Initiatives could include the honouring of commitments agreed to at the United Nations Commission on Human Rights; access by United Nations special rapporteurs, working groups and specialized agencies; freer access to East Timor by international and human rights groups; dialogue with Governments, non-governmental and intergovernmental organizations; reductions in military personnel; and implementation of all international human rights instruments. United Nations- sponsored dialogue should continue, but any serious proposal must include the Timorese people in the negotiations.

Let us work together in open and courageous dialogue to establish mechanisms to respect the religious and cultural traditions of the East Timorese people and to protect their social, economic and political rights, including the right to self-determination.

The Chairman *(interpretation from Spanish)*: I thank Mr. Mahedy for his brevity, which will enable other petitioners to speak.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Charles Scheiner (East Timor Action Network/United States) took a place at the petitioners' table.

The Chairman: *(interpretation from Spanish)*: I call on Mr. Scheiner.

Mr. Scheiner (East Timor Action Network/United States): My name is Charles Scheiner, and I am coordinator of the East Timor Action Network in the United States. I am also the United Nations representative for the International Federation for East Timor, a non-governmental organization affiliated with the Department of Public Information.

Today I am addressing the Committee on behalf of the East Timor Action Network. We appreciate the Committee's taking the time to listen to us, and to other non-governmental organizations and individuals speaking here today. Over the past year several organs of the United Nations have shown an increased interest in non-governmental views on the situation in East Timor, and especially in hearing from the East Timorese people themselves. This is a positive development, and we hope that the perspectives and information gained from such meetings will help the United Nations move the process of decolonization to a successful and rapid conclusion.

The East Timor Action Network was formed a little over two years ago, following the mass murder outside the Santa Cruz cemetery in Dili. But the Indonesian military's killing and its occupation of East Timor have been going on for nearly two decades. We fervently urge the Committee to help push the Indonesian Government into serious negotiations - beyond talks for appearance sake only. The three-stage peace plan advanced by the National Council of Maubere Resistance is an excellent framework to move the discussion process along. We urge that they and other genuine representatives of the East Timorese people be included in the negotiations between Indonesia and Portugal.

We realize that it will not be easy to move Jakarta. The recent banning of three major news weeklies in Indonesia, combined with a wave of repression against labour activists and heightened arrests and terror against the East Timorese, demonstrate that the Jakarta Government is feeling both international and domestic pressure. Unfortunately, it is responding by killing the messenger, by trying to suppress discussion and hide unpleasant realities. But cosmetics are no cure for cancer.

Last month I had the privilege of attending the Asia-Pacific Conference on East Timor, held in Manila. Although Indonesia coerced the Philippines Government into excluding several East Timorese leaders and world-renowned advocates for peace and human rights, more than 50 foreigners met with over 200 Filipinos for five days, discussing how to achieve self-determination and other human rights for the people of East Timor.

We had a very productive conference, despite the clumsy efforts of the ex-generals in Jakarta and Manila to prevent it. And what would have been just another calm discussion of East Timor, such as we are having here today, became a world-class news event because the blatant actions of the two Governments so violated the norms of accepted civic behaviour. The casual observer could not but ask "What are they trying to hide?"

This Special Committee knows what they are trying to hide. It, as well as other United Nations bodies, have heard 19 years of testimony and petitions from the East Timorese people and others attesting to the gross inhumanity of the Indonesian genocide and occupation. Special rapporteurs and envoys of the Secretary-General have gone to East Timor and reported on their findings; one was there just this week. Although today's hearing will add some more information to the inventory, we hope that it will do more than that.

Action is the middle name of the East Timor Action Network, and we urge the United Nations to take some, for only the United Nations has universally recognized standards by which to measure political and human rights, standards the Indonesian Government has legally agreed to uphold. It is time to enforce those standards. East Timor should not have to start a third decade under Indonesian military rule.

During the past year the East Timor Action Network has grown to more than 1,500 members, and we have 15 local groups around the United States. We are working to educate Americans to change United States policy, to change the disgraceful role played by the United States Government in arming and supporting the Indonesian occupation since 1975.

It would be overly optimistic to say that United States policy has turned around; rather, it is in flux. Some in the Administration and in Congress defend the status quo and are reluctant to say anything that Indonesia might find uncomfortable. They are afraid of affecting American companies' profits from trade, mining and weapons sales in Indonesia.

But an increasing number feel differently. They know that the violations of human rights and the continued denial of self-determination for East Timor are so blatant that it is inhuman to continue with business as usual. I would like to cite several events that have happened since last year's session which illustrate that point.

Since 1992, Congress has prohibited all United States military aid to Indonesia; this was in the form of Indonesian soldiers coming to the United States for training. Although the State Department has tried to circumvent that ban by having Indonesia pay for the training, the House of Representatives passed legislation last May that closes this loophole, and the legislation is pending now before the United States Senate.

Last July, the United States State Department refused to allow the resale of four United-States-made F-5E fighter planes from Jordan to Indonesia, in response to public and congressional pressure about East Timor. And when Presidents Clinton and Soeharto met in Tokyo last July they discussed East Timor, and they discussed human rights in Indonesia.

Last autumn, the Foreign Relations Committee of the United States Senate unanimously approved Senator Feingold's amendment, which would link arms sales to Indonesia to human rights concerns in East Timor. Although the bill that included that amendment never reached the full Senate, this marks the first time that Congress has linked arms sales to human rights for a specific country.

Over the winter, the Clinton Administration conducted an extensive interagency policy review, and has decided to deny licenses for exports by the United States of light arms to Indonesia. Washington feels that these are the weapons that have been used recently to kill people in East Timor.

Just two weeks ago the Senate Appropriations Committee approved legislation that would prohibit the use in East Timor of all lethal weapons purchased by the Indonesian Government from the United States Government. Although this was defeated on the Senate floor, it represents an increase in the willingness of Congress to openly confront Indonesia. There will be further activity in the Senate this week or next.

Other legislation approved by congressional committees would challenge United States support for multilateral loans and non-humanitarian aid for countries with excessive military involvement in their economies or which falsely report their military spending. Indonesia has been cited as the principal illustration of these problems.

The Indonesian Government places a high priority on getting the United States Government to overlook its repressive practices. Last April, the Asia Society hosted a conference on the United States-Indonesia relationship, which was underwritten by major mining and banking interests and which featured Foreign Minister Ali Alatas, more than 30 visitors from Indonesia and the entire Indonesian diplomatic corps in the United States. This was the beginning of an ongoing campaign to revamp the American people's perceptions of Indonesia.

Most of the people at that conference seemed to feel that the problem is image, not substance. Few of them seemed able to comprehend that it is wrong to kill people or to deprive them of their basic political and human rights, even if this has no effect on the bottom line.

I would like to close by quoting an American political leader with long service to his Government and with long involvement in the East Timor issue. Daniel Patrick Moynihan is now a Senator from New York, but he was the United States Ambassador to the United Nations in 1975 and 1976. In a book he wrote, he boasted that after Indonesia invaded East Timor,

> "The United States wished things to turn out as they did, and worked to bring this about. The Department of State desired that the United Nations should prove utterly ineffective in whatever measures it undertook. This task was given to me, and I carried it forward with no inconsiderable success".

Senator Moynihan has since had a change of heart. Last March, he wrote to constituents:

> "I share your concern for this long-standing violation of the Charter of the United Nations and for the human rights abuses which Indonesian troops continue to commit. Even Indonesia concedes that the people of East Timor have the right to self-determination, and yet it refuses to permit them to exercise that right. And the killings continue, as when Indonesian troops slaughtered participants in a peaceful march at the Santa Cruz cemetery near Dili in 1991.
>
> " ... The time has long since come for the United States to take a tougher approach with the Indonesian Government".

I hope that my Government listens to the words of former-Ambassador Moynihan, and that others who have been involved since 1975, especially in Indonesia, can follow his example.

The situation in East Timor - as we so glibly call two decades of invasion, occupation, genocide, murder, rape, torture and terror - will only be resolved when politicians and diplomats step back from their hardened positions and consider inalienable human rights and international law as something more than a problem to be explained away.

Ambassador Moynihan has done that. We hope that Foreign Minister Alatas and President Soeharto can do so as well. This Committee and the entire United Nations bear a major responsibility to advance the process of changing Jakarta's position so that the East Timorese people can finally decide their own destiny in peace.

The petitioner withdrew.

At the invitation of the Chairman, Mr. José Maria Albuquerque (Agir pour Timor) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Albuquerque.

Mr. Albuquerque (Agir pour Timor) *(interpretation from French):* My name is José Maria Albuquerque, and I am here on behalf of the group Agir pour Timor. Founded in 1990, Agir pour Timor is a French organization whose purpose is to defend the right of the people of Timor to self-determination. We submitted petitions to the Committee in 1991 and 1993.

Traditionally, knowledge of the question of East Timor has not been widespread in France. Our initial priority was therefore to alert public opinion, the media, non-governmental organizations and prominent individuals in France, and to keep them regularly informed of developments.

From the start, our activities resonated mainly among the Portuguese community of France, the largest expatriate Portuguese community in the world. But other organizations have been devoting increased attention to this question, and this year I can inform the Committee of an initiative bringing together 12 French non-governmental organizations: the Four Months for East Timor campaign.

Launched in March 1994, this campaign was intended to train a spotlight on East Timor prior to the meeting of the consultative grouping on Indonesia, which was held in Paris last week. Apart from our association, the participating organizations are Peuples Solidaires, an organization of solidarity with peoples of the South; France Liberté and the Fondation Danielle Mitterrand; the Fédération Internationale des Droits de l'Homme; CIMADE, an organization of international solidarity; Justice et Paix; Réseau d'Information Tiers-Monde; CRID, a collective bringing together 35 development and solidarity non-governmental organizations; Coordination des Collectivités Portugaises de France; Syndicat National de l'Enseignement Secondaire; Fédération Syndicale Unitaire; and the Confédération Générale du Travail.

Allow me to elaborate on the concept of this campaign. General thrusts have been decided upon, but each organization decides on its own *modus operandi* on the basis of its own sensitivities and its material possibilities. At a minimum, each organization has published in its liaison bulletin an article on East Timor; some have called on the activism of their members to heighten public awareness or to raise funds for Timorese students in Indonesia; and still others have questioned the Indonesian Embassy or have intervened through press conferences.

But the campaign in itself has also carried out information work by making documentation available to anyone requesting it and by publishing a campaign bulletin sent to active components of public opinion such as non-governmental organizations, trade unions, militants, a number of journalists, and members of the France-Indonesia and France/South-East Asia friendship groups in the National Assembly and the Senate, respectively. Two photographic and textual exhibits on East Timor are currently touring France. And finally, the campaign has addressed the INFID conference; the Indonesian Embassy; and the Foreign Ministry of France, among others.

Though the campaign has received only modest press coverage, it has received broad support among other organizations and in the field. Among them are Reporters Sans Frontières, the Fédération de l'Education Nationale, eight help and support groups for the Tibetan people, Tribal Act and ICRA International. Several militant groups and members of the press have mentioned the campaign, which has led to numerous requests from individuals seeking to act locally. Information activities have also taken place in more than 20 French cities, such as Aix-en-Provence, Argenteuil, Caen, Grenoble, Le Mans, Lille, Lyon, Nanterre and Paris.

Apart from raising the awareness of "civil society", one of the most striking successes of the campaign has been its ability to begin raising the awareness of French Parliamentarians. For the first time since 1986, a senator from the governmental majority asked a written question of the Minister of Foreign Affairs on "the violent repression waged by Indonesia in the occupied territory of East Timor", asking "what steps France is taking to ensure the protection of individuals and the respect for international law in this territory". Other Parliamentarians have written to the campaign to advise them of the consideration they are giving to the question. This stirring of a hitherto somewhat unmoved national Parliament bodes well for the future.

Finally, this overview would not be complete if we did not refer to other groups which, while not participating in the campaign, are carrying out parallel actions for the sake of East Timor. These include Amnesty International and Christian Action for the Abolition of Torture.

This qualitative and quantitative leap in solidarity with the Timorese people in France is not taking place in isolation. For three years now, there has been an indisputable global resurgence in awareness and commitment - more often than not among militant circles, sometimes among the media, so far still very rarely among Governments. Such an evolution gives us the hope, which would have been utopian just a few years ago, that the Timorese people will at last be able to exercise its right to self-determination in the near future. But this sense of progress should not obscure the existing international hurdles, the dearth of goodwill on the part of the occupying Power and the absence of any improvement in the human rights situation in the territory.

We shall not dwell on the last two points, in the knowledge that the Committee will doubtless be informed about them by the petitioners. As regards the first point, we must deplore in this forum the inertia and bad faith of the French Government. Admittedly, France does not recognize the annexation of East Timor by Indonesia, as its successive Governments have stated on several occasions. Likewise, French diplomacy no longer feigns ignorance of the massive violations of human rights and recognizes the gravity of the situation. And, lastly, the junior Foreign Minister of a previous Government and the President of the Republic have expressed their concern to the Indonesian authorities, and France voted - reluctantly - in favour of the 1993 resolution of the Commission on Human Rights on East Timor.

But our country is applying no pressure on Indonesia to put an end to its violations of human rights, let alone to ensure that it complies with international law. Far worse, the Ministry of Foreign Affairs considers explicitly that it is not expedient to establish a linkage between its economic aid and respect for human rights, although this linkage was requested by the Council of Foreign Ministers of countries of the European Community, in a declaration dating back to November 1991.

This refusal to carry out any concrete action is naturally due to the economic interests of our country. According to French diplomatic sources, 98 per cent of French development aid in 1992 was a disguised subsidy for national investments in the country through Alcatel, Alsthom, Dumez. But France is also one of the principal suppliers of arms and military hardware to Indonesia, and in particular of Puma helicopters, which are manufactured under license there. Quite recently, 20 105 LG-type artillery guns were sold to Indonesia by GIAT for a total of $17 million. France also has a strong presence in Indonesia in the field of telecommunications, part of which has been supplied to the Indonesian Army.

Indonesia has no known real or potential enemies. The arms sold to this country can therefore only be used for purposes of repression, counter-insurgency or for offensive action, for example in East Timor. We know, thanks to the detailed investigations of British journalist John Pilger, that development aid supplied by the United Kingdom goes hand in hand with arms supplies - the Hawk aircraft. Knowing this, who can guarantee that the same is not true for France?

In conclusion, we can but repeat the suggestions made last year to this Committee: that the Committee provide, as far as possible, information to the public on actions it is taking for the sake of the East Timor people's right to self-determination; that the Committee exclude Indonesia from any decision-making process concerning East Timor, pursuant to the principle of law according to which one cannot be the judge at one's own trial; that the Committee recommend to the Secretary-General that he do everything in his power to obtain the release of Xanana Gusmão as a symbol of the Timorese resistance movement, while not thereby neglecting to intervene for the sake of the release of other Timorese political prisoners; and lastly that the Committee recommend that the Secretary-General make public the two reports of Mr. Amos Wako.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Richard Koch (British Coalition for East Timor) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish)*: I call on Mr. Koch.

Mr. Koch: Since the Santa Cruz massacre in 1991, the issue of East Timor has reestablished itself firmly on the international agenda. This has been reflected in new diplomatic initiatives. It is sad, however, to note that in Paris last Friday, 8 July, the donor nations that make up the Consultative Group on Indonesia yet again decided to increase aid to Indonesia for the next year to a record $5.2 billion. This is surely the most explicit evidence of Western nations' double standards - expressing hope that Indonesia's record on human rights will improve while doing nothing that might actually pressure Jakarta into changing its ways.

The record of the British Government is particularly shameful. Following the showing of John Pilger's documentary "Death of a Nation: The Timor Conspiracy", there has been a massive upsurge both in press coverage and in popular concern for East Timor. The British Foreign and Commonwealth Office (FCO), however, remains unmoved by public opinion and continues to give identical stock answers to the questions of MPs and the general public alike. Instead, it prefers to propagate Indonesian falsehoods such as the refutation of evidence of a second massacre on 12 November 1992 at the Wira Husada Military Hospital by "one of East Timor's most prominent priests". This priest was Marcus Wanandi, an Indonesian assigned to "assist" Bishop Belo. One of Wanandi's brothers is the business partner of President Suharto's daughter in "tourist development" in East Timor; the other, Jusuf Wanandi, was a BAKIN agent whose role in Operasi Komodo, the plan to integrate East Timor, was to drum up diplomatic support in the United States and Western Europe. Bishop Belo has since affirmed that the second massacre did take place.

Although the FCO is always "grateful for their interest", members of the British public apparently make "a mistake to confuse past history with today's realities" and are "wrong to suggest that widespread abuses of human rights persist in East Timor". The FCO is "encouraging Indonesia to live up to its human rights obligations". There is much evidence to the contrary. Last June, FCO officials fostered the impression that the Government was pushing for International Red Cross access to political prisoners. A "restricted access" telex from the British Embassy in Jakarta stated the opposite - that external pressure would contribute little. An internal memo described letters in response to questions on the subject as "for stonewalling".

The FCO's main energy has been devoted to defending "its own clear policy on arms sales to Indonesia", especially concerning the sale of Hawk jet-fighters worth £500 million, finally confirmed last June after months of denials. This policy is based on the right to self-defence under Article 51 of the United Nations: "This is a right we claim for ourselves and it would be inconsistent and discriminatory to deny it to others".

Actually, the British Government denies this right to Bosnia. There is no conceivable threat to Indonesia from any of its neighbours. The expansionist Power in the region is Indonesia. In the early 1960s Jakarta's policy of *konfrontasi* posed a very real threat to Malaysia's sovereignty; in 1963 Indonesia occupied West Papua, and in 1975, of course, invaded East Timor. Supplying Indonesia with arms stokes a regional arms race, irrespective of the moral and legal considerations. The FCO's "own clear policy" also undermines initiatives such as that last August by the United States Government to block the sale of F-5E jet-fighters from Jordan. Indonesian generals simply said that they would buy from Britain or France instead, having already ruled out buying from Russia.

The FCO has, moreover, a whole arsenal of secondary justifications for the sales. It says it has an assurance that the Hawks will not be used against civilians. In 1984 it said that it did: "not normally seek assurances which can offer no reliable guarantee about the uses to which the equipment might later be put".

The shadow Foreign Affairs spokesperson wrote to Foreign Secretary Douglas Hurd on 28 October 1993 to spell out just what those assurances were. He has still not received a reply.

The FCO says that: "the Government would not license for export any defence equipment likely to be used for internal repression".

Other ministries admit, though, that the siting of equipment is a matter for the purchasing country and that it is not practical to monitor their use once it has reached its destination. The FCO says that the Hawks that Indonesia has and is purchasing are trainers. This contradicts Air Force Chief of Staff Marshall Sukardi's announcement in January 1985 that Hawks delivered in the early 1980s were serving in the new airforce "for purposes of advanced training and tactical combat". Similarly, Indonesia's Minister of Research and Technology, Dr Habibie, said on 17 April 1994 that the new Hawks "will be used not only to train pilots but also for ground attack". The FCO's assertions of the impossibility of converting the trainer version of the Hawk to the full ground attack version are blatantly contradicted by British Aerospace's promotional literature.

This is just so much more "stonewalling". The British Coalition for East Timor's concern is not about the particular use of any individual item, but rather the "seal of approval" that our Government gives to the Indonesian armed forces (ABRI). Despite its role in the genocide of the East Timorese people, the British Government effectively says that ABRI is responsible and trustworthy. Eyewitness testimony of East Timorese about the use of Hawks in the bombing campaigns in the east of the island during the mid-1980s is dismissed out of hand as "not cast-iron". Indonesian propaganda is accepted at face-value.

> "I think those making such allegations would have to do a bit better. We've said that we are ready to consider hard evidence that Hawks are being used for repressive purposes in East Timor, but no one has come up with any,"

says Junior FCO Minister Alistair Goodland. The FCO will not though give a categorical assurance that Hawks have not been used in East Timor.

Mr. Goodland also claims that Indonesia is reducing its troop levels to the average strength for a small province - a claim that Indonesia seems to make every year. However, this is not borne out by the reports of the British military attaché who visited East Timor last November whose "hard evidence" reveals a very different side of East Timor than that passed on to members of the public. The report was headed: "Confidential... not, repeat not, intended for use in the press".

He asked the local commander in Dili, Colonel Lumitang, about Indonesian military strength in East Timor. The commander eventually admitted the presence of 10 battalions which are rotated every nine months. He gave no timetable for withdrawal but hoped to "have it all under control in 1995" with only "indigenous battalions" left. Of his meeting with East Timor's Deputy Governor, the military attaché remarked:

> "The lasting impression was of petty provincial bureaucracy devoting more effort to the production of statistics than the administration of the province".

Along with officials from other embassies, the British military attaché insisted on visiting the Santa Cruz cemetery:

> "[We] were keen to judge whether the shootings there two years previously might have taken place because the area was restricted with no exits along which the

> demonstrators could have been dispersed. [We] observed that there were at least four exits and that the cemetery walls were not high... This physical layout should have allowed well-trained troops to disperse a demonstration with little bloodshed."

Britain's diplomatic tolerance of Indonesia over East Timor dates back to the events surrounding the invasion. In July 1975 the British Ambassador in Jakarta suggested that London lie low and "avoid siding against the Government" as it was:

> "in Britain's interest that Indonesia should absorb the territory as soon and as unobtrusively as possible".

By 1985 Indonesia had become the biggest recipient of British aid outside the Commonwealth. Since 1991, diplomatic activity has stepped up dramatically with numerous ministerial visits and trade missions. Aid, mainly in the form of Aid and Trade Provision projects, has been lavished on Jakarta. On 7 April 1994, Alistair Goodland announced a "soft loan" of £80 million, a large part of which will cover spending on telecommunications. It is no coincidence that the companies providing this "aid" are the same companies supplying the Indonesian military with communications, radar and electronic equipment. This follows last year's £65 million "soft loan" agreed by Douglas Hurd for a power-generating plant in Kalimantan, where British mining companies have substantial interests. Not only are such agreements tied to British trade, they are typically channelled towards top-down infrastructural development projects which benefit large-scale British investment projects rather than encourage development by local people.

This "conditionality" is a long way from the conditionality that Douglas Hurd was espousing in 1990 and 1991:

> "Countries tending towards pluralism, public accountability, respect for the rule of law, human rights and market principles should be encouraged. Those who persist with repressive policies or corrupt management... should not expect us to support their folly with scarce aid resources which could be better used elsewhere."

By 1991, this view had crystallized into three principles of good governance that Douglas Hurd suggested should be applied to the European Community budget: first, respect for human rights and the rule of law; secondly, pursuit of sound economic and social policies; and, thirdly, competence and accountability of government institutions.

Even at that time aid agencies suggested that small and unimportant countries would be made an example of, while the transgressions of larger States, such as Indonesia, would continue to be overlooked. Their predictions proved correct. Conditionality of aid has since been ditched, luckily for Indonesia, since it would not pass the test of any of the above principles.

The Indonesian Government has said that it wants dialogue, but it has imprisoned Xanana Gusmão, has lied about his supposed appeal for clemency, is attempting to split the Timorese resistance abroad, prosecutes those Indonesians who dare to speak the truth about East Timor and commits yet more human rights abuses as it continues its genocidal occupation in breach of eight General Assembly resolutions and two Security Council resolutions.

Finally, the British Coalition suggests that the members of the Indonesian delegation ask themselves what Indonesia has to fear from an independent East Timor. The words of a statement to the Indonesian Bishops' Council on 10 November 1974, of which George Aditjondro was one of the authors, still have an uncanny resonance today:

> "If people think that the independence of Portuguese Timor would represent a threat to the existence of the Republic of Indonesia, then it is obvious that something is not right in our Republic."

The petitioner withdrew.

At the invitation of the Chairman, Mr. Pedro Pinto Leite (International Platform of Jurists for East Timor) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I now call on Mr. Pedro Pinto Leite.

Mr. Leite: The International Platform of Jurists for East Timor wishes to convey to this Committee its concern over the very critical situation in East Timor. For more than 18 years the Government of Indonesia has denied the East Timorese their right to self-determination. Now it is clear that Jakarta is losing its infamous war. As in many colonialist regimes, the generals of Jakarta are aware of their defeat and intensify the repression in the occupied Territory. We urge the United Nations to intervene actively to stop that repression.

I have stated that the Government of Indonesia is losing the war, in spite of the huge difference in military forces. After many promises, Indonesia has not withdrawn its forces from the Territory and maintains an occupation army of more than 10,000 men. On the other hand, the Timorese armed resistance has no more than 1,000 fighters. The fact is that the Indonesian military in these 18 years has been unable to crush the Timorese resistance. That in itself is already a defeat.

But the Indonesian regime is losing the war on many other fronts. Jakarta planned to win the hearts and minds of the new generation of Timorese, those who did not witness the invasion and the subsequent massacres, which persisted until the end of the 1970s. This proved to be wrong. The massacre of Santa Cruz shows that Timorese youth is willing to fight for freedom. They refuse to be Indonesian, including the few that are being educated in Jakarta. The Javanese colonialists did not learn the lessons of Ho Chi Minh, Amílcar Cabral or Agostinho Neto. But the young Timorese did, and that is why they will lead their country to independence.

The Indonesian administration realized its failure, and thus increased the repression against the youth and students. In recent months, killings, detentions and trials have occurred in East Timor and in Indonesia. Two months ago in the locality of Uelau, the military murdered by machine-gun fire an unarmed young boy named Marcelo. After playing with his dead body they threw it into a river. In early May, 11 persons were arrested for having demonstrated in Dili before foreign journalists. At least three of them were sentenced to 20 months in prison for allegedly having "planned actions of hostility and hatred against the Indonesian Government".

In June two young Timorese were sentenced to three years in prison for raising the flag of the Revolutionary Front for an Independent East Timor (FRETILIN). In May two other Timorese, António Soares Araujo and José António Neves, were arrested in Malang in East Java. José António is one of the leaders of RENETIL, the Maubere students' resistance movement. He has phoned or faxed the secretariat of the International Platform of Jurists for East Timor several times to denounce the detention and torture of Timorese. I still remember his calm and courageous voice denouncing the crimes of the Indonesian authorities. Like others, he is now facing prison and torture. The International Platform of Jurists for East Timor urges this Committee to intervene and seek his release since this case involves the violation of the right to self-determination. We also hope that the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, who is visiting East Timor, has been able to investigate the massacre of Santa Cruz and those which followed, including the aforementioned barbarous killing of Marcelo.

Another area where the Indonesian regime is losing the war concerns religious beliefs. There is no religious war in East Timor. However, the generals have created an artificial religious problem. They forced the East Timorese, who were animists, to choose one of the five officially accepted religions and are building mosques everywhere in the Territory with the expectation that the East Timorese will choose the Islamic religion. Jakarta hopes that with a majority of muslims, integration will be facilitated. However, the East Timorese chose Catholicism, which became another form of protest against the occupation. Most of the Catholic priests in East Timor are allies in the political and cultural resistance to the invader. Bishop Carlos Ximenes Belo is one of the best examples. During interviews in recent months with foreign journalists and parliamentarians who visited him, he has reaffirmed his support for a United Nations-supervised referendum in East Timor. As the Committee will certainly recall, he appealed to Mr. Pérez de Cuéllar for a referendum in a letter dated February 1989.

In reply, the Indonesian military have stepped up the repression of the clergy in East Timor. Many priests have been threatened and persecuted. Bishop Belo is also a victim of such persecution. Recently he told a visitor how the Indonesian military had tried twice to assassinate him. Just a few days ago *Agence France Presse* reported that soldiers had committed sacrilege in a Catholic church by stamping on sacred communion wafers. Such a gratuitous act reveals the desperation of the military before this particularly sensitive defeat.

The Indonesian regime is also losing the war on East Timor at home. For years, because of the curtain of silence around East Timor and the censorship of the media, the Indonesian Government managed to keep its own citizens ignorant of what was going on in the occupied Territory. The tables were turned after the massacre of Santa Cruz and the trial of Xanana Gusmão. More and more Indonesian personalities and organizations are publicly questioning the occupation of East Timor. One of the leading figures in this anti-colonialist movement is Mr. George Aditjondro of the Satya Wacana Christian University in Salatiga. Taking into account these developments, some Indonesian newspapers increased their reports on East Timor.

Again, a new wave of repression was the Government's reaction. As the Committee knows, many people have been arrested in Indonesia in recent weeks for expressing opposition to the military dictatorship. Others, like Mr. Aditjondro, were repeatedly threatened. On 21 June 1994 the Government shut down three influential magazines - *Tempo, DeTik and Editor*. Six days later, the detention of dozens of civic leaders was ordered during a non-violent protest against this censorship.

The New York Times reported on 23 June 1994

> "Diplomats and human rights advocates said the closing of the magazines was the most serious blow to freedom of the press in Indonesia in decades" *(The New York Times, 23 June 1994, p. A5)*

IPJET welcomes the quick reaction of the American press and the very recent and strong protest of many organizations, like Friends of the Earth, the National Wildlife Federation, the Robert F. Kennedy Memorial Center for Human Rights, Greenpeace, Lawyers Committee for Human Rights, and Human Rights Watch/Asia.

Finally, the Indonesian dictatorship is also losing the war on the diplomatic front, particularly in the Association of South East Asian Nations (ASEAN) and in other countries of its own region. In Bangkok more than a hundred Asian human rights organizations have made a strong appeal for the self-determination of East Timor. In Manila the Asia-Pacific Conference on East Timor, of which IPJET was a co-convenor, reached the front pages of many Philippine newspapers for three weeks, despite desperate attempts by Jakarta to stop it. Other petitioners will certainly elaborate on the significance of the Manila Conference and its conclusions. Just two weeks ago, in Kuala Lumpur, a special forum on East Timor organized by a group of 30 non-governmental organizations criticized the Governments of the ASEAN countries for tolerating human rights violations like those in East Timor. We heartily welcome the recent words of Husin Ali, President of the opposition Malaysian People's Party:

> "Everything is done in the name of the solidarity between ASEAN members, but ASEAN should not be used to conceal human rights violations and genocide".

The recent laudable stance of the Parliament of New Zealand, demanding the right of self-determination for East Timor, signifies another defeat for Indonesian diplomacy.

In IPJET's petition of 1991, I welcomed the success achieved by the Namibian and the Sahraoui peoples in their struggle for self-determination. Last year I witnessed Eritrean independence. Those cases confirm a future solution for the question of East Timor pursuant to the rule of law. I am very glad to be able to add the name of South Africa to that list now. The apartheid regime also implied a clear violation of the right of the people of South Africa to self-determination. For many decades, as with Namibia, the Western Sahara and Eritrea, colonialist forces were repeating that the situation in South Africa was irreversible. The African National Congress and the anti-apartheid solidarity movement knew better. Until very recently Nelson Mandela was a political prisoner; he is now the President of a new South Africa.

IPJET initiated an appeal addressed to the United Nations Secretary-General urging him to intervene and exercise his influence in order to obtain the immediate and unconditional release of Xanana Gusmão and of all other detained East Timorese. We have collected 1,873 signatures, mainly from legal professionals, government officials and public figures of around 40 countries from every continent. Among them are 50 parliamentarians, two former Foreign Ministers, diplomats, Supreme Court judges, bishops, heads of universities and law schools and leaders of more than 30 non-governmental organizations. I hereby deliver to you, Mr. Chairman, the product of this appeal. Like Nelson Mandela, Xanana Gusmão has to have the main role in the solution of the East Timorese problem.

As the Economic and Social Council stated in paragraph 2 of its resolution 1978 (LIX) of 31 July 1975, a few months before the Indonesian invasion of East Timor,

> "the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the struggle of colonial peoples to achieve freedom and independence entails, as a corollary, the extension by the United Nations system of organizations of all the necessary moral and material assistance to the peoples of the colonial territories and their national liberation movements".

Now that the problem of East Timor is reaching a decisive moment, I am confident that this Committee will promote stronger assistance by the United Nations to the martyred people of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Miss Lita Killup, Asia-Pacific Conference on East Timor, took a place at the petitioners' table.

The Chairman *(interpretation from Spanish)*: I call on Miss Killup.

Miss Killup (Asia-Pacific Conference on East Timor and the Philippine Solidarity for East Timor and Indonesia (PSETI): We thank the Committee for allowing the Asia-Pacific Conference on East Timor (APCET), as represented by its secretariat based at the Initiatives for International Dialogue (IID), to convey the collective voice of representatives of the peoples in the Asia-Pacific who wish to see the dawning of freedom in East Timor.

APCET is a fresh initiative among civil libertarians, non-governmental organizations and people's organizations in the Asia-Pacific region. It seeks to articulate the burgeoning fellowship among peoples in the Asia-Pacific region with the embattled people of East Timor.

The coalition is temporarily based at the offices of the Initiatives for International Dialogue, an independent Filipino international non-governmental organization working for South-South solidarity. IID was instrumental in organizing the recent Asia-Pacific Conference on East Timor.

Giving impetus to the birth of APCET was the indifferent - nay, amoral - attitude of our Governments with regard to East Timor. Political leaders in the Asia-Pacific region have chosen to remain silent over the patently illegal annexation of East Timor by the Suharto military regime, despite relevant United Nations resolutions. This duplicity has emboldened Indonesia to flaunt its power in the region and bully its neighbours.

This was starkly displayed when Suharto recently arm-twisted the Philippines Government on the Asia-Pacific Conference on East Timor. Indonesia threatened to withdraw billions of so-called potential investments in the Philippines. Seeking to appease Jakarta, Philippines President General Fidel V. Ramos moved to ban all foreign delegates. The Government even deported Nobel Peace recipient Mairead Maguire and included in the banned list the French First Lady, Danielle Mitterand. Ramos's Government capitulated to the extent of carelessly using subterfuge to bring about a court order banning the conference anywhere in the Philippines.

But the Filipino people and the other peoples of the region were not to be denied their rights. We defied the Government and won as the Supreme Court allowed the conference to proceed.

Indonesia's bullying of the Philippines and the latter's submission unleashed a diplomatic furor never before experienced among the States of the Association of South-East Asian Nations (ASEAN). The row was extensively covered by the international media. Instead of putting a lid over Indonesia's illegal occupation of East Timor, Indonesian pressure on the Philippines served to unravel the lie it sought to perpetuate, particularly among the peoples of the Asia-Pacific region.

Even in South-East Asian countries, East Timor was relatively obscure and isolated. During the Manila Conference on East Timor, the barbarity and callousness of the Indonesian military regime's invasion and subsequent occupation of the Territory were laid bare before its Asian neighbours.

The facts presented to the Conference were stark and indisputable. No doubt they have not escaped the Committee's attention. No doubt they have been presented before the Committee many times over in the seemingly countless discussions on the East Timor question. Thus, we do not wish to benumb it with the number of East Timorese who were murdered due to what Indonesia terms their "common brotherhood". Nor do we need to remind the Committee of the thousands of East Timorese who continue to bear the yoke of Suharto's military oppression and exploitation.

But the peoples of the Asia-Pacific region were horrified by what the conference revealed. To the representatives of peoples' organizations and non-governmental organizations in South-East Asia, it was hard to comprehend how Soeharto and his military could murder 200,000 East Timorese and still hide this dastardly act from their neighbours. Equally disgusting is the fact that Governments in the region chose to swallow the lie peddled by the Indonesian Government. But what was most appalling was the apparent inability of the United Nations to discipline a so-called leader of the Non-Aligned Movement, Indonesia.

The United Nations was swift in its action against Saddam Hussein and was effective in its peace-keeping role in Angola, Namibia and Cambodia, not to mention its peacemaking efforts in Nicaragua and El Salvador. APCET is therefore baffled by the apparent immobility of the United Nations before its task of settling the conflict in East Timor. Compounding this perplexity is the fact that the General Assembly has already entrusted the Secretary-General with specific tasks as regards the status of East Timor as a Non-Self-Governing Territory.

Even then, while we question the apparent dilly-dallying and uselessness of the United Nations on the East Timor question, we also recognize its ability to enforce the consensus of the General Assembly on other fronts, especially on the issue of Non-Self-Governing Territories, and indeed it behooves us to do so. We take cognizance of a number of such Territories that have won the right to determine their own future in recent years with significant assistance from the United Nations.

The United Nations knows its obligation to enforce the sovereign right of the East Timorese people to design its own destiny. For certain, the United Nations will have to enforce the two Security Council resolutions and the eight resolutions adopted by the General Assembly in favour of East Timor as soon as possible.

Hence, we appeal to this Committee not only to turn its attention to the themes I have mentioned, but also to sink its teeth into them. These are the requirements recognized by the Coalition as essential to the preservation of the East Timorese nation. We urge the Committee to take cognizance of the urgency of resolving the East Timor question and accept the following recommendations as part of the steps that the United Nations will undertake. The first relates to a cease-fire and referendum. An immediate cease-fire between the Armed Forces of National Liberation of East Timor (FALINTIL) and the Indonesian occupying forces, including the complete demilitarization of East Timor, must be implemented and a genuine peace process should be set in motion. While this is under way, a fair and honest referendum must also be held to determine the will of the East Timorese. All of this must be done under the direct supervision of the United Nations.

While the United Nations is indispensable for carrying out such measures, the views of the representative organizations of the East Timorese people must be given primary consideration. In this regard, the Coalition expresses its support for the peace plan drafted by the National Council of Maubere Resistance (CNRM) and for initiatives towards self-determination advanced by other genuine East Timorese groups.

The second recommendation relates to the release of political prisoners. Steps must be taken immediately for the release of all East Timorese political prisoners. This call should be taken as part of a package of confidence-building measures. Among those who should be immediately freed is Kay Rala Xanana Gusmão, Chairperson of the National Council of Maubere Resistance and Commander-in-Chief of FALINTIL. Freeing Mr. Gusmão is essential to the resolution of the conflict. He must be given a direct role in any negotiations regarding East Timor. Xanana Gusmão must assume a leading role in the East Timorese panel that will negotiate with the Indonesian Government.

Our third recommendation relates to the situation of women. APCET enjoins the Commission on Human Rights Special Rapporteur on torture to seek out and heed the voices of women in East Timor regarding atrocities against them, including sexual violence such as rape, being perpetrated by the Indonesian military in East Timor. Likewise, Indonesia's forced birth control programme and its aggressive family planning programme should be investigated. The Coalition views these measures with alarm in the light of reports that these are being used to terminate population growth among the East Timorese. The United Nations should also inquire into allegations that these measures are part of Indonesia's "transmigration" programme. Under that scheme, the rich culture and heritage of the East Timorese people would be obliterated.

To achieve the above recommendations, the United Nations should do everything within its mandate to expand access inside East Timor. Indonesia has already promised this to human rights and humanitarian organizations, the media, and United Nations special rapporteurs.

APCET enjoins the Special Committee to undertake an expeditious examination of those proposals. It is further suggested that such measures be taken as part of the specific components of the Secretary-General's report to the General Assembly. APCET fervently hopes that if this is done, the conflict in East Timor will be squarely addressed in the General Assembly's action plan to free all colonized peoples by the twenty-first century. That would be a fitting accomplishment in this Decade for the Eradication of Colonialism.

Enacting these recommendations will certainly be complex and difficult. The interests of the leaders of the world's biggest Muslim country obstruct the way. But is this not the kind of dilemma that provided impetus for the establishment of the United Nations: to give all countries, big and small, powerful and powerless, strong and weak, equal opportunities before the bar of world opinion? Is it not the mandate of the United Nations to impose the full weight of international law upon recalcitrant States with the same dispatch and concern it did during the Gulf War?

The effectiveness of the United Nations rests upon the common ground that its Member States are able to achieve. It was understandable then that finding such commonality was frustrated by the super-Power rivalry which dictated the contours of international and regional politics during the cold-war era. The world has since regained that opportunity. However, the end of East-West tensions has instead only served to highlight regional conflicts caused by regional bullies like Indonesia.

The General Assembly and the Security Council have already spoken. It is time to apply the Declaration on decolonization in East Timor; resolutions from both United Nations bodies attest to this. What remains to be mustered is the political will to apply these resolutions and exercise the mandate bestowed by the United Nations Charter upon Member States to help colonized peoples gain their inalienable right to self-determination.

Yet despite the world's condemnation of its illegal occupation of East Timor, Indonesia adamantly clings to its claim over the Territory. It has chosen to ignore the United Nations. It has chosen to ignore world-wide public opinion. It has chosen to ride roughshod over its neighbours and blackmail them, and force them to kneel - nay, kowtow - to its demands.

We cannot, should not, allow this to happen. Surely, it is the apex of hypocrisy for the United Nations and regional bodies such as the Association of South-East Asian Nations to tolerate the continuing persecution of the East Timorese while at the same time paying lip service to peace and disarmament.

How much longer will this tragedy continue? The answer is lurking somewhere within the halls of the United Nations. Indeed, the answer rests partly, if not totally, upon the will of this Committee.

I had been asked to read out a statement from Philippine Solidarity for East Timor and Indonesia, but I shall rather submit it as an attachment to the statement I have just delivered, since that organization is a part of the Asia-Pacific Coalition for East Timor.

The meeting rose at 1.05 p.m.

United Nations A/AC.109/PV.1436

General Assembly Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1436th Meeting

Wednesday, 13 July 1994, 3 p.m.
New York

Acting Chairman: Mr. Bangali . . . . (Sierra Leone)

The meeting was called to order at 3.10 p.m.

Question of East Timor (A/AC.109/1187) *(continued)*

At the invitation of the Chairman, Mr. Jonathan Birenbaum took a place at the petitioners' table.

The Chairman: I call on Mr. Birenbaum.

Mr. Birenbaum: I am representing Congresswoman Nita Lowey of the United States Congress, 18th District.

The fundamental right of a people to choose its own government has always had strong resonance for Americans. The principle of self-determination is rooted in the idealism of Woodrow Wilson and codified in the Charter of the United Nations. Coupled with decolonization, it has been a major force of democratization around the world.

It is clear that the people of East Timor have never known this right; they have never had the opportunity to elect their own officials or to determine their own future. They were freed in 1975 from Portugal's colonial yoke, only to be burdened with that of Indonesia less than a year later. Numerous human-rights abuses now add greatly to the outrage we must feel at their situation.

As a United Nations Member and a world leader, the United States must help to enforce the United Nations Charter. As a democracy, we must take particular interest in its self-determination provisions. In both of these roles, we must take a strong and coherent stand against the Indonesian presence in East Timor.

In the past, the United States has opted for a balancing act; we have weighed economic and military goals against humanitarian ones, believing that cooperation with the Indonesian Government would induce it to expand human rights. Administrations since 1975 have taken this approach, and it has failed. According to reports from international human-rights groups, including Amnesty International and Asia Watch, the Indonesian Government has not seriously investigated human-rights claims or moved towards compliance with 1993 recommendations of the United Nations Commission on Human Rights.

The United Nations must now take a stronger stand. Rather than allowing ourselves to be put off by the possible consequences of antagonizing Indonesia, we should recall the successful stands we took against repression in South Africa. Our stubborn insistence on human rights guarantees let us watch as government changed and its people reclaimed their rights.

As the Commission on Human Rights has done in the past, we must continue to urge Indonesia to open East Timor to investigators and journalists. Their reports are invaluable in pointing out to the rest of the world the Indonesian Government's weaknesses and lack of support at home.

Indonesia is clearly concerned with its public image; a judge sentenced Fernando Araujo in 1992 to nine years' imprisonment for "disgracing the nation in the eyes of the international community". We must make clear to Indonesia that the way to eliminate embarrassing criticism is not to suppress the critics but to reform treatment of the accused and prisoners.

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Reports alone are not enough, though they help to rally international support. We must also be willing to press hard to ensure that Indonesia's leaders act on the Commission's recommendations, that they are not only aware of their failings but also working to correct them. They must recognize the rights of the Timorese people, and we must oblige them to do so. As the United States House Appropriations Committee has urged, we must put force behind our words, for example, by completely cutting off arms sales until they comply.

As the imprisoned leader of the East Timorese independence movement, Xanana Gusmão, said, "The so-called Indonesian provisional Government was formed over the corpses of the Timorese massacred". Despite the Indonesian Government's claims to the contrary, there has been no valid act of Timorese self-determination. Nor can "cultural differences" obscure the Government's abuses. The detention of prisoners without legitimate trials and government complicity in massacres are criminal, wherever in the world they occur.

We must solidify our position. Indonesia must be made to recognize that the human rights of the Timorese, and of its own citizens, are non-negotiable.

Only a referendum among the East Timorese themselves can legitimately determine their status. Until the people's votes are counted and their voices heard, the international community and its principle of self-determination cannot be satisfied.

I appeal to this Committee, to the United States and to the rest of the world to recognize the clear danger to universal human rights that Indonesia's flagrant violations present. In standing up for the rights of the East Timorese, we will be standing up for the rights of all free peoples.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Charles H. Norchi (International League for Human Rights) took a place at the petitioners' table.

The Chairman: I call on Mr. Norchi.

Mr. Norchi (International League for Human Rights): On behalf of the International League for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council, I want to thank members for the opportunity to speak before this Committee today. The question of decolonization and self-determination that this Committee regularly addresses have long concerned the International League. Since our founding in 1941, we have rendered assistance to advocates of independence from over 30 countries that have since become Members of the United Nations. In fact, one of the League's proudest achievements in this regard was the assistance we provided to Mr. Mohammed Hata, one of the founding fathers of Indonesia, a man who worked tirelessly for his country's independence from its Dutch colonial rulers.

It is therefore with a sense of irony and sorrow that we once again find it necessary to appear before this Committee, to protest Indonesia's denial to East Timor of the rights of self-determination and equality that it so properly sought for itself almost 50 years ago.

The International League for Human Rights has been active regarding the situation in East Timor since Indonesia's invasion and purported annexation in 1975. We first spoke on this matter before the Fourth Committee in 1978 and we have appeared many times since, before the General Assembly until 1982, and subsequently before this Committee. On each of these occasions we have emphasized the illegality of Indonesia's actions, the ways in which these actions constitute flagrant breaches of the United Nations Charter and of the relevant resolutions of the Assembly interpreting the Charter on both the use of force and the juridical principles of self-determination.

In particular, the League has often argued that Indonesia's claims regarding the "incorporation" of East Timor do not meet the requirements of Principle IX of General Assembly resolution 1541 (XV), well known to this body, which addresses the method by which a Non-Self Governing Territory can become voluntarily integrated with another State. The ways in which the Indonesian "incorporation" fails to satisfy Principle IX are numerous: the Regional Popular Assembly of East Timor that Indonesia created for annexation was not formed on the basis of one person, one vote, nor was there serious debate on integration, nor were other choices offered to that Assembly. But more important than the unrepresentative makeup of the Regional Popular Assembly or its processes is the fact that no true choice was possible in the context of what was an ongoing military invasion. Under such conditions it is hard to make the claim that a Territory that has known independence for only two weeks prior to a massive invasion has attained the "advanced state of self-government" that Principle IX requires. The United Nations well understood that the Regional Popular Assembly was not an acceptable vehicle for a choice on integration and hence rightly declined to observe, and hence lend legitimacy to, its proceedings.

But this afternoon there is no need to dwell on these and other legal arguments. Not only have we in the League made those arguments many times before, but they are well known to the relevant United Nations organs. As this Committee knows all too well, both the General Assembly and the Security Council have deplored Indonesia's use of force and have called for self-determination for the people of East Timor. The General Assembly has rejected the claim that East Timor has been incorporated into Indonesia, inasmuch as the people of the Territory have not been able to exercise fully their right to self-determination and independence. The arguments of the Government of Indonesia arguments as to how it has actually allowed for self-determination in East Timor have wisely and in no uncertain terms been rejected.

We repeat these facts before this body today not to advance new arguments as to Indonesia's having acted in flagrant violation of international law, but only to remind the Committee of what has already been determined. As we discuss the human rights situation in East Timor, the International League for Human Rights requests this Committee not to forget the backdrop: an occupation that has been deemed illegal by the United Nations of a nation that has never known self-determination.

According to foreign journalists, non-governmental organizations and reports to the United Nations, fundamental human rights continue to be widely abused in East Timor, as other petitioners have attested and will attest today. The central problems are an atmosphere of fear created by the large military presence and the treatment of individuals who are suspected of having pro-independence sentiments, even if these sentiments are expressed peacefully. To give the Committee a recent example, three East Timorese - Issac Soares, Miguel de Deus and Pantaleao Amaral - were just last month sentenced to 20 months in prison for shouting pro-independence slogans to foreign journalists in April. These detained Timorese were reportedly tried, as many independence activists are tried in East Timor, without appropriate legal counsel during either interrogation or trial periods.

The very serious human rights problems on the island continue to be noted by the United Nations itself. In early 1994, the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances all filed reports with sections addressing East Timor.

The Special Rapporteur on the question of torture included in his 1994 report several well-documented accounts of torture of political prisoners in East Timor, which he had forwarded to the Government of Indonesia in 1993.

The Special Rapporteur on extrajudicial, summary or arbitrary executions wrote in his report that

> "East Timor continued to be particularly affected by violations of the right to life perpetrated by the Indonesian security forces" *(E/CN.4/1994/7, para. 344)*

and stated his concern that "perpetrators of human rights violations continue to enjoy impunity." *(ibid., para. 355)*

The Working Group on Arbitrary Detention assessed the case of Fernando de Araujo, an East Timorese who was arrested in Bali and sentenced to nine years imprisonment for protesting against the massacre of peaceful demonstrators by Indonesian troops on 12 November 1991 at the Santa Cruz cemetery in Dili. The Working Group decided that his arrest and continued detention were arbitrary, that his trial did not meet international standards for fairness, and that there was evidence that he might have been tortured while under detention.

During 1993, under its urgent-action procedure, the Working Group on Enforced or Involuntary Disappearances transmitted to the Government of Indonesia 17 new reports of cases of disappearances of persons who had been reportedly arrested in Dili without a warrant and held incommunicado. In its response, the Government of Indonesia called these cases fabrications, but was unable to provide information on the whereabouts of any of the individuals mentioned.

Indonesia may claim that the rapporteurs and working groups have received false reports. However, if the Government of Indonesia had wanted to facilitate access to information, it could have invited the working groups and rapporteurs to East Timor to assess the situation for themselves, an action which Commission on Human Rights had strongly urged the Government of Indonesia to undertake.

As we look to these branches of the problem we cannot forget their fundamental root: decolonization has never reached East Timor. The nation has travelled directly from domination by the Portuguese to domination by the Indonesians, never having had the chance to assert its own destiny.

In this way, the abuses of human rights in East Timor are not isolated outbreaks of cruelty, but symptoms of something much more systematic. Put simply, there would not be human rights violations by the security forces in East Timor if there were not more than 5,000 Indonesian troops and military intelligence officers occupying the Territory. There would not be troops occupying East Timor if they were not needed to suppress the population's desire for independence. And the population would not be crying out for independence if it were allowed to exercise that most fundamental of rights, the right to self-determination.

East Timor proves once again the broad importance of self-determination as a principle of international law. When it is denied, ignored or forgotten the price is paid in human suffering. Such is the case in East Timor, a nation where all human rights are in jeopardy because a fundamental right - the right of a Non-Self-Governing Territory to choose its juridical status - has not yet been realized.

There is some urgency to this matter. Last July the League brought to the attention of this body a practice which, if continued, could prevent the East Timorese from ever being freely able to choose their status. I am referring to "transmigration", the Indonesian resettlement policy whereby population is transferred from densely populated to sparsely populated areas of the archipelago. This policy, whatever its merits for Indonesia proper, takes on far more foreboding overtones when applied to East Timor. An article in the *Observer* in May 1993 estimates that half the population of Dili was born outside of East Timor and about a third of the total population is now made up of immigrants. Edward Theberton, a journalist for the Australian daily *The Age*, who travelled to East Timor in February, received reports that two ships arrived in Dili per week carrying Javanese settlers who were provided with backdated identity cards so that they would be able to vote if a plebiscite on East Timor's future were to take place.

Resettlement of Indonesians into East Timor, as we pointed out last year, runs counter to at least two significant international instruments - Article 49 of the Fourth Geneva Convention of 1949, to which the Government of Indonesia is a party - and General Assembly resolution 35/118, containing the "Plan of Action for the Full Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples". Both of these instruments contain rather blunt legal obligations, the Geneva Convention prohibiting the transfer by the occupying Power of

> "parts of its own civilian population into the Territory it occupies." *(Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, Article 49)*

and resolution 35/118 coming out against the same actions, particularly when they

> "may constitute a major obstacle to the genuine exercise of the right to self-determination and independence by the people of those Territories." *(resolution 35/118, Annex, para. 8)*

In conclusion, we come here today with the realization that no resolution that the Committee adopts on this matter will by itself bring decolonization and self-determination to East Timor. The United Nations, as we all know, is often unable to implement its own decisions, no matter how fair and how just those decisions may be. But the point is that the United Nations and its various bodies can still make those decisions, can still affirm and promote what is lawful and what is just. What is important is that the East Timorese continue to strive for self-determination and that this Committee can play an important role in helping them realize their legitimate claims under accepted principles of international law.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Constancio Pinto (National Council of Maubere Resistance) took a place at the petitioners' table.

The Chairman: I now call on Mr. Constancio Pinto.

Mr. Pinto: I am Constancio Pinto, representative of the National Council of Maubere Resistance to the United Nations.

Allow me to explain the organization that I belong to. The National Council of Maubere Resistance is the main organization of East Timorese nationalists struggling for self-determination and independence. The National Council of Maubere Resistance was created in 1988 by resistance leader Xanana Gusmão as a unifying non-partisan body bringing together the Timorese political forces and all the underground East Timorese political resistance groups operating in East Timor and Indonesia.

The National Council of Maubere Resistance has thus emerged as the organization embodying all currents of East Timorese nationalism and is the chief vehicle through which it is expressed, both inside Indonesia and occupied areas and on the diplomatic front operating overseas.

The National Council of Maubere Resistance's leadership inside East Timor is grouped into the Executive Council of the Armed Resistance, made up of four people, and the Executive Council of the Clandestine Front, made up of five people. The Armed Resistance is led by FALINTIL, whose main leader is Nino Konis Santana, who is also the chief of the Revolutionary Front for an Independent East Timor (FRETILIN). The Clandestine Front is led by Mr. Sabalae.

Aware of the country's location, the National Council of Mauberre Resistance believes in close and harmonious relations with all neighboring States in Asia and the South Pacific. The independent Republic of East Timor will seek membership in both the Association of South-East Asian Nations (ASEAN) and the South Pacific Forum. Close ties with Portugal will also be maintained, given the high moral standing it has shown through its abiding commitment to East Timorese self-determination.

East Timor is at the crossroads of three major cultures and religions: the Melanesian, binding its people to the South Pacific; the Malay-Polynesian, as many East Timorese trace their roots to South-East Asia; and the European, a result of the four centuries of Portuguese Catholic presence. These influences give the East Timorese nation-State a distinctive character. It could be a valuable partner for ASEAN and South Pacific Forum member States in their relations with the European Union, Africa and Latin America. The majority of East Timorese exiles are resident in Australia and Portugal. They could contribute to East Timor's role as a bridge between their adopted countries and South Pacific States.

The National Council of Maubere Resistance envisages an independent republic of East Timor without a standing army. External security will rely on a treaty of neutrality, guaranteed by the permanent members of the United Nations Security Council. Working with its neighbours and the United Nations, East Timor will endeavour to declare the country's surrounding seas a zone of peace and to work towards demilitarization of the South-East Asian and South Pacific regions. The National Council of Maubere Resistance aspires to a strong democratic State based on the rule of law, emanating from the will of the people expressed through free democratic elections. The development of a free information media, as independent as the judiciary, will be encouraged. Firmly believing in the universality of human rights, transcending State boundaries and prevailing over State sovereignty, an independent East Timor will contribute to the strengthening of human rights. The creation of an international human rights court and a penal court to try crimes against humanity will be actively supported. All human rights treaties will be submitted to the East Timorese parliament for ratification.

Free education and health care are essential for the welfare of the population, and thus significant investments in these areas will be required. The money saved from not supporting a standing army will be well used in these areas. A healthy, sane and happy society cannot be based on hatred and revenge; therefore, a general amnesty and national reconciliation will be proclaimed, aimed at forgiving current enemies.

Because of its credibility and good standing over the past 20 years, the East Timor Church will be expected to play a major role in the healing process. The issues of resettlement for the many thousands uprooted throughout the last two decades, as well as compensation for properties lost, will need to be addressed. Also, over 100,000 Indonesians have settled in East Timor, many of them looking for a better life. Those who are willing to abide by East Timorese laws and live in harmony as members of society will be welcome to stay and join in building a better future for everyone. The wealth of their culture could be an enriching contribution to the future of East Timor.

East Timor is potentially self-sufficient in most agricultural goods, meat and fish. It has large oil reserves and other minerals. After independence economic resources will be channelled into food production for the population. Government policies will be a result of close consultation with the people in each region, town and village. The cooperation of United Nations specialized agencies will be sought to implement a reforestation programme to save the badly damaged environment. International partnership in the exploration of underground natural resources, such as oil, will be sought. However, the environment must not be sacrificed for short-term gains. The "Timor Gap Treaty" will be looked at, clarification will be sought, and it will be renegotiated. The sea boundary dispute will have to be settled through an international tribunal.

Consistent with the enhanced peacemaking role of the United Nations, the National Council has advanced a plan to assist the Secretary-General's mandate to find a solution to the East Timor conflict. The plan is congruous with statements by East Timor Catholic Church leader Bishop Belo, and consistent with current United Nations and Portuguese approaches. It has also received support in the United States Congress, Europe, Canada and Japan. Indonesia's friends have been able to perceive its value as a potential means of assisting Jakarta to conveniently extricate itself from its East Timor quagmire.

Allow me, Mr. Chairman, to elaborate on the Council's peace plan.

Phase one will consist of: Indonesia-Portugal talks under the auspices of the United Nations Secretary-General, with East Timorese participation, to achieve an end to armed activities in East Timor; release of political prisoners; reduction of Indonesian military personnel; removal of armaments; expansion of the activities of the International Committee of the Red Cross; reduction of Indonesian civil servants; population census; access by United Nations specialized agencies for restoration and protection of the environment, resettlement, district development, women and child care and public health and immunization; restoration of all human rights; removal of restrictions on Portuguese and Tetum languages; setting up of an independent Human Rights Commission; establishment of a United Nations headquarters in East Timor.

Phase two, lasting five years, is autonomy, a transition stage of autonomy, in which East Timorese will govern themselves democratically through their own local institutions. This will require democratic elections of a local Assembly with a five-year mandate under the supervision and with the assistance of the United Nations. Only East Timorese may vote and be elected. The phase will involve: election of an East Timorese Governor for a five-year term by the Assembly, Assembly powers to include legislation concerning international trade relations, investment, property, immigration and other matters; withdrawal of all Indonesian troops and further reductions in the number of Indonesian civil servants; territorial police force organized by the United Nations placed under the command of the Governor. The Territory is to have no army. Phase two may be extended by mutual consent between Indonesia and the East Timorese population, expressing their views through a referendum.

Phase three - self-determination - covers preparation for a self-determination referendum, to be held within one year of the commencement of this phase, whereby the population may choose between free association, integration into Indonesia or independence.

Now I would like to provide information about the current situation in East Timor.

A report by the Head of the Executive Council/Armed Front, Nino Konis Santana, dated 16 June 1994, shows that members of the Indonesian security forces continue to engage in gross and systematic abuses of human rights. The Nino Konis Santana report referred to an incident that took place on 6 May 1994 in the locality of Uelau, approximately three kilometres west of the village of Mau Kate, stating:

> "A young boy named Marcelo, son of Mau Buti and Si Mau, was assassinated by an Indonesian military patrol.
>
> "Marcelo and his three brothers went on a food hunting expedition ('Sari hidup') with a permission granted by the local military authorities. The brothers' dog spotted a deer, chased it, and after hunting the deer down killed it. The boys made a fire to cook the deer and when the smoke rose from the fire, it attracted the attention of one platoon from either battalion 745 or 717 operating in that zone. The soldiers went in the direction of the smoke and surrounded the four boys, who were unarmed civilians. In spite of knowing that, the commander of the platoon ordered his men to open fire, emptying a full magazine from M-16 automatic rifles, as if they were firing on armed guerrilla fighters in open combat. Marcelo was shot in the stomach, and could not move, while the other three were able to escape. Marcelo called out, identifying himself, but the soldiers continued to fire. The commander then ordered that a hand grenade be thrown to kill Marcelo. As if this was not enough, the commander put Marcelo's dead body against a tree and invited his soldiers to see what a good shot he was and how they should shoot the 'GPK' (security disturbers) and their supporters, and proceeded to empty another magazine into the boy's corpse. Marcelo's heart was expelled from his body out through his back. After this inhuman crime, they threw his dead body into the river and cracked open his skull with rocks."

Marcelo's case is not isolated. On 10 June six prisoners were removed from Dili to Semarang prison in Java without their families being informed. The six prisoners are Francisco Miranda Branco, Jacinto Alves, Filomeno Pereira, Juvencio Martins, Gregorio Saldanha and Saturnino da Costa.

Others cases include that of Jose Manuel da Silva Fernandes, a young boy, arrested in January 1992, who is now being held by the army in Vikeke and is not allowed any visits by the International Committee of the Red Cross or by his relatives. Horacio da Costa, arrested in Same in August 1992, is now being held by the army in Betano.

The situation prevailing in East Timor is characterized by an escalation of military aggression and intensification of political repression. Solemn commitments made by the Foreign Minister of Indonesia, Mr. Ali Alatas, to the Commission on Human Rights and to the Secretary-General, in New York on 17 September 1993 and at the Geneva talks on 6 May 1994, have been systematically violated. The practice of torture is routine.

We hope that the Indonesian authorities will allow Mr. Bacre Waly Ndiaye, the United Nations Special Rapporteur, who is now in East Timor, to investigate all these atrocities, and especially to investigate the massacre of 12 November 1991 and that at the Military Hospital in Dili, both shown in the film "Death of a Nation".

To conclude, I wish to express our gratitude to the Secretary-General of the United Nations for his steadfastness in addressing the problem of East Timor and seeking a just and lasting solution based on our inalienable right to self-determination. We hope that, by the time we arrive at the meeting with the Foreign Ministers of Portugal and Indonesia, real progress will have been made in the human rights situation in East Timor and in the discussions of the political aspect of this problem.

The petitioner withdrew.

At the invitation of the Chairman, Mrs. Maureen Tolfree took a place at the petitioners' table.

The Chairman: I call on Mrs. Tolfree.

Mrs. Tolfree: May I first of all thank the United Nations Special Committee for allowing me to present a petition to that session.

My name is Maureen Tolfree and I am from Bristol in England. I am the sister of Brian Peters, one of the five journalists murdered in Balibo, East Timor, on 16 October 1975. Brian, who was four years younger than I, was the oldest of my three brothers. He went to Balibo on assignment as a cameraman for Channel 9 Television, Sydney, Australia.

I have a personal interest in all this, as I was not only his sister but almost his mother. Our mother left home when I was 15, so it was left to me, with my father, to bring up my brothers.

My brother died a terrible death when he was trying to help the people of East Timor. I have come here to speak to you because I know that he would have wanted to call on this Committee to do everything possible to enable the East Timorese people to decide on their own future.

Committee members will understand from what I have to say why I never came to speak here before.

When he was about 18, Brian emigrated to Australia. In September 1975 he wrote and told us he had had an incredible week in a place called East Timor. Though there had been some fighting between the Revolutionary Front for an Independent East Timor (FRETILIN) and the Democratic Union of Timor (UDT), he and Gerald Stone, his news director from Channel 9, discovered that FRETILIN was in control of most of Dili. When he left, he helped a group of 140 UDT refugees go to Darwin. He also brought out an urgent appeal from the then-president of FRETILIN, Francisco Xavier do Amaral, addressed to "the brotherly people of Australia" asking for help. Amaral spoke of his people's "inalienable right" to "total and complete independence" and asked the Australian people to "give the Timorese people help in order to avoid any foreign intervention".

Because Brian had done well on his first assignment, he was asked by Channel 9 to go on a second assignment to East Timor. That was when he went to Balibo.

I first learned of what happened to Brian there when his ex-girlfriend phoned me on 18 October to say that he had gone out there with four other journalists and that four bodies had been found. She told me the fifth man had not been found, so we hoped and prayed that it might be Brian, and that he might be in hiding.

The following Monday, 20 October, Gerald Stone phoned me from Australia to say that all five journalists had been killed. He said we would receive a telegram, which we did. There seemed to be a lot of confusion, but we heard no more news. Later I felt I had to do something, so I went to Australia on 20 November 1975 to sort out Brian's effects. It was all very distressing.

Soon after I arrived in Australia, I had a phone call from the Foreign Affairs Minister Andrew Peacock - or perhaps it was from an official in his department - saying how sorry he was about the death of my brother but that "there was nothing I could do or say in the matter that would help in any way".

On my way back from Australia, Qantas workers were on strike and I had to take a charter flight to Jakarta and pick up a Pan Am flight from there to England. Someone told me the remains of my brother would be taken to Jakarta, so I thought I should try to stop by in Jakarta and asked the air hostess to arrange this. She did this for me, and when I arrived four soldiers came to fetch me from the plane. I assume they were soldiers - they wore khaki uniforms and had guns in their holsters. They did not speak to me but escorted me across the tarmac to a room where I was held for 15 minutes under guard.

Then the phone rang and the guard indicated that I should pick it up. I think it was either the British or Australian consulate. They told me that they could not guarantee my safety and that it would be better if I got back on the flight. They also told me that my brother's remains had not been brought through, which was not true because apparently they had been brought through on 12 December and it was then 26 December, I think.

Back in Bristol, I got two letters from my Member of Parliament, Tony Benn. The second letter was about the personal effects of the five missing journalists and the four boxes which contained the remains of four of the journalists. The letter said,

> "the Australian embassy doctor confirmed that positive identification of the bodies was not possible".

It also said,

> "the authorities handed over documents and a camera said to have been found beside the body of a fifth European whose remains had been burned".

Later I read a *Newsweek* report of 10 November 1975 which said that one of the journalists,

> "Malcolm Rennie, reported shortly before the battle that he had film of Indonesian warships and helicopters taking part in the fighting on Timor ... . 'It's no secret that Indonesian troops are crossing the border,' said one Australian diplomat in Canberra last week. 'And the last thing they want is to have a foreign TV crew catch them red-handed.'"

The *Newsweek* report was illustrated by three photos. One was of the building used by the TV crews with "AUSTRALIA" written in huge letters across its wall. Two smaller photos of Brian and Malcolm Rennie were captioned: "Strong suspicions of foul play."

Apart from the statements by Australian officials and an account of an investigation that was said to have been conducted into the five deaths, which suggested that they had died in mortar fire, I heard nothing more.

I had some clippings, but every time I looked at them I got upset and so did my father. I couldn't risk upsetting him. He suffered three heart attacks between Brian's death and his own death in 1990 so I let things lie, meaning to do something eventually.

Then, some months ago, I heard on a radio programme that John Pilger, an Australian journalist working in England, would be speaking about East Timor. Then I heard of a demonstration about East Timor in Bristol in March this year. For the first time, I realized that many people in the United Kingdom were working for East Timor.

Since then I have discovered many amazing things. I have heard that journalists tried to contact me and my father after Balibo but were told by the British Foreign Office that we were not interested. I have also found out that the Foreign Office was informed about the deaths of the five journalists within 24 hours. They knew the details, knew that the Indonesians had killed those men, knew it officially from the Australian Defence Minister, but had hidden the fact.

So why am I here and what do I want? Many things. I want the Committee to call for the people of East Timor to have an internationally supervised referendum on their future. I also want Governments, including my own, to stop lying about East Timor. I want to know why my brother and his colleagues are buried in Jakarta. I want their bodies to be reburied in East Timor or Australia, as their surviving relatives want. I want a properly conducted investigation into the deaths of the five journalists. But most of all, I want everything possible to be done for the people of East Timor. I am 100 per cent sure that that is what Brian would have wanted if he had not been murdered.

I should like to close by showing this plaque to members of the Committee. It was awarded to my brother posthumously by Thorn-EMI for his coverage of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Michael van Walt von Praag (Unrepresented Nations and Peoples Organization) took a place at the petitioners' table.

The Chairman: I call on Mr. van Walt van Praag.

Mr. van Walt van Praag: We are pleased to address this Committee today as it once again reviews the situation in East Timor. East Timor, represented by the National Council of Maubere Resistance (CNRM), is a member of the Unrepresented Nations and Peoples Organization (UNPO). The member nations and peoples of UNPO, now numbering over 40, work together to realize their legitimate aspirations through non-violent means. For some UNPO members, such as East Timor, those aspirations include decolonization of their nation and the full exercise of their right to self-determination. I have come to present this petition personally because of the importance UNPO places on the question of East Timor and on the work of this Committee.

The right to self-determination of the people of East Timor is recognized by the United Nations and is legally beyond question. The invasion of East Timor by Indonesia in 1975 was condemned several times by the United Nations Security Council. Resolution 384 (1975) of 22 December 1975, for example, not only condemns the invasion but also calls on Indonesia to withdraw its armed forces without delay and reaffirms East Timor's right to self-determination. Yet, for 19 years the Government of Indonesia has persisted in violating its international obligations. That in no way diminishes the people's right to the full realization of its inalienable right to self-determination. If anything, in fact, the brutal treatment of the people, which has resulted in the death of one third of the entire population of that nation, strengthens not only the claim to self-determination but also the obligation of the international community, and in particular of the United Nations, to take measures to ensure its full and free realization. UNPO's General Assembly resolution (GA3/1993/11), adopted on 24 January 1993, strongly condemned the:

> "continuous gross violations of human and indigenous rights of the people of East Timor" .

We are pleased at the continuing efforts of the United Nations Secretary-General, Boutros Boutros-Ghali, to seek a just, comprehensive and internationally acceptable settlement to the question of East Timor in successive rounds of talks with Indonesia and Portugal. We have followed the fourth round of meetings with the Foreign Ministers of Indonesia and Portugal in Geneva in May 1994 with great interest. UNPO believes, however, that it is imperative, in seeking a just and lasting solution to the question of East Timor, to include the representatives of East Timor in the Secretary-General's talks.

At the last round of talks, Indonesia and Portugal declared their readiness to meet with "leading East Timorese supporters and opponents of integration". The Secretary-General of the United Nations should do no less. We urge that he meet with the Chairman of CNRM, Mr. Xanana Gusmão, and the CNRM Special Representative, Mr. Ramos Horta, before or as part of the next round of talks to be held in January 1995. We propose that this Committee recommend this course of action to the Secretary-General. The Government of Portugal must be complimented on its continuing efforts on behalf of the people of Timor. Nevertheless, the problem cannot be solved without the participation of the leaders of the East Timorese resistance themselves, regarded by their own people as the legitimate representatives of East Timor.

UNPO believes that the East Timor peace plan first articulated by the resistance leader Xanana Gusmao and then officially presented by CNRM Special Representative, Jose Ramos Horta, to the Political Committee of the European Parliament in 1992 - and about which we have heard detailed information today - provides the best basis for a process that can lead to a just and lasting peace. This 3-phase plan is consistent with statements by Bishop Belo, the East Timor Catholic Church leader, and has been endorsed by Portugal, which presented it to the United Nations Secretary-General. We recommend that the plan be used as a basis for discussion both by this Special Committee and by the Secretary-General in discussions with Indonesia, Portugal and East Timor.

In a recent interview quoted in *The Times* of London on 8 July 1994, interview Bishop Belo denounced the "routine nightmare" suffered under Indonesian occupation. He reiterated the need for a referendum to decide the future status of East Timor and called for a "special status" of autonomy for the interim, according to an interview published by the Catholic Institute for International Relations. The requirement of a referendum and the need for a special autonomous status in the interim are both also contained in the 3-phase peace plan to which I referred earlier.

Bishop Belo also rejected the attempts by some to hold "reconciliation talks" which would not include all Timorese leaders, particularly those of the CNRM, FRETELIN and UDT. In line with the United Nations Secretary-General's views, expressed in point 8 of the statement on the question of East Timor released by the United Nations on 6 May 1994, we believe that all intra-Timorese dialogue must take place under the auspices of the United Nations Secretary-General.

Bishop Belo should be praised for his consistent efforts to promote the interests of the people of East Timor through peaceful means. He has succeeded in preventing worse outbursts of violence and repression on the island through moderation and continues to speak out on the human rights abuses inflicted upon his people by Indonesian authorities, despite the great risks of doing so - in fact, there have been two attempts to kill the Bishop. The first was shortly after he sent a secret letter to then United Nations Secretary-General Javier Perez de Cuellar in 1989. The second attempt was in 1991. In the letter to Mr. Perez de Cuellar, Bishop Belo called for a genuine and democratic process of decolonization to be initiated in East Timor and for a referendum.

In the letter, Bishop Belo wrote:

> "Indonesia says that the people of East Timor have already chosen integration, but the people of Timor themselves have never said this. And we continue to die as a people and a nation".

At the last round of talks in Geneva, the need for access to East Timor for the United Nations, human-rights organizations and humanitarian organizations was once again stressed. This was in keeping with the Commission on Human Rights' "consensus declaration", adopted in Geneva on March 9 of this year. The Special Committee on decolonization should be informed, however, that in practice access is still very limited. UNPO, for one, had twice asked for permission to visit East Timor with human-rights experts, but received no response. A third request was sent to the Foreign Minister of Indonesia in May and again this week, and I enclose the letter as an annex to this statement. After the renewed commitment made by His Excellency Mr. Ali Alatas to the United Nations Secretary-General during the talks in May, we hope a favourable reply will be obtained in the near future.

In closing, I should like to quote from the text of Xanana Gusmão's defence plea, which he tried to read out, but was prevented from doing so, at the close of his trial in Dili on 17 May 1993, four days before he was sentenced to life imprisonment. Xanana Gusmão has become the Nelson Mandela of East Timor, which the conscience of the world cannot ignore. He must be released if peace and justice are to be restored to East Timor. In his words:

> "The question of East Timor is the responsibility of the international community, a question of international law. It is a case in which universal principles are at stake, a case where the decolonization norms of the United Nations have been manipulated, a case where Indonesia has disregarded the resolutions of the United Nations, a case, therefore, of the flagrant violation of the principles of the Non-Aligned Movement and of the universal pattern of law, peace and justice".

The petitioner withdrew.

At the invitation of the Chairman, Ms. Sally K. Levison (Catholic Institute for International Relations) took a place at the petitioners' table.

The Chairman: I call on Ms. Levison.

Ms. Levison: The Catholic Institute for International Relations (CIIR) has continued to monitor the situation in East Timor since we presented our petition to this Committee last year. Throughout the year we have continued, loudly and clearly, to hear the cry of the people of East Timor, especially its mothers, for freedom, for justice and for the return of their children, still missing and unaccounted for since the Santa Cruz massacre of November 1991, in which at least 273 people died.

In their heart-rending appeal to the First Lady of the United States of America last autumn, these mothers spoke of the silence of this immense sorrow, of not knowing where their beloved, martyred children are buried. Yet they still knew where they stood:

> "We are a little people, frail in all aspects of life, but we wish to keep alive the flame of our resistance, which identified us as a free and honourable people".

Nothing can be more distressing than the disappearance of one's child: the constant hope that each day brings of the longed-for return, the dashing of the same hopes as the sun sets without news, and the inability to mourn and come to terms with death - which might at least resolve the pain of the relentless incertitude of days, months and years of waiting.

Yet how many children have disappeared, never to return, in this ravaged land? How many more have yet to do so, whisked away by soldiers in the dead of night, beaten, tortured, disfigured, buried in unmarked graves?

How can we hope that the Indonesian military will change the habits of years of abuses, and take pity? In a letter last autumn to a friend, Bishop Belo said:

> "We are living in an environment of terror and pressure. The Indonesians are saying that they have already withdrawn battalions from East Timor, but it is not true. On the contrary, they are increasing the presence of military units in all places ... as long as there is not a reduction in military forces or reduction in military personnel, this is purely and simply a military occupation and dictatorship."

CIIR is concerned for the safety of not only of all East Timorese people who choose openly to manifest their rejection of Indonesian rule, but especially of its representatives among the Roman Catholic clergy. We are concerned for Bishop Carlos Belo, apostolic administrator of the diocese of Dili. It has come to our attention that the Catholic Church has been placed under increasing pressure since Bishop Belo came to the assistance of those who took part in the Santa Cruz demonstration.

According to the accounts of both the Bishop and the clergy and religious inside East Timor, the Indonesian military regularly intervenes in church affairs, harasses churchgoers with threats and accusations, and sows vindictive disinformation in a blatant attempt to discredit its personnel. There have been attempts on the life of the Bishop, as well as his clergy, and it is our view that they conduct their duties in a situation of daily danger. We know that neither the Bishop nor the East Timorese clergy fear death, and that they look to the martyred Bishop of El Salvador, Archbishop Oscar Romero, for inspiration. Archbishop Romero was assassinated by death squads while saying Mass in March 1980. Throughout his life he spoke out fearlessly against injustice and oppression.

As Bishop Belo says, the current situation will never bring about United Nations approval of the integration of East Timor into Indonesia while

> "the people still live in fear. They don't dare go out at night. Many people, including the young, are called for interrogations ... If people talk about their rights, they are accused of being members of FRETILIN or the clandestine".

The Bishop calls for autonomy to be granted to East Timor, in which its religious traditions can be respected. The referendum, for which he first called in 1989, is both "necessary and urgent". As he says,

> "If the situation has improved, and people already live in calm and quiet, why should we be afraid of a referendum?"

The issue of East Timor is political and can be settled only by careful and protracted negotiation. In recalling the United Nations Charter, which states that it is the sovereign people alone who should determine their future, we would underline that the United Nations mandate will be undermined if the East Timorese people are denied this fundamental right. We appeal to the Indonesian Government to abide by the statement in which it gave its consent at this year's United Nations Commission on Human Rights to continue investigating the Dili massacre of 12 November 1991, those still missing and the circumstances surrounding the matter.

Finally, we ask that Indonesia continue to dialogue with Portugal and the legitimate representatives of the East Timorese people, including its imprisoned leader, Xanana Gusmão, under the auspices of the United Nations, with resolve and goodwill, to settle this tragic and unnecessary conflict. Let disappearances and abuses in East Timor end. Let the mothers grieve no longer.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Elisa Maria Ramos Damião (on behalf of Ms. Maria Teresa Santa Clara Gomes, Member of Parliament, Socialist Party, Portugal) took a place at the petitioners' table.

The Chairman: I call on Ms. Damião.

Ms. Damião: Since 1977, Portugal, in its capacity as administering Power of East Timor, has repeatedly informed the Secretary-General that the occupation by the armed forces of Indonesia, a former victim of colonialism converted into a violent colonizer, continues.

Again and again Portugal has been prevented from performing its duties towards East Timor, a Non-Self-Governing Territory under its administration. In particular, it has been unable to secure the right of the people of East Timor to exercise free choice with respect to their future through a referendum.

Once more, in assuming our responsibilities, we wish to recall those of the Special Committee.

Since 1975 the General Assembly has been demanding that Indonesia withdraw its armed forces from East Timor in accordance with Security Council resolution 384 (1975), thus far without substantive results. At its thirty-seventh session, the General Assembly adopted resolution 37/30 of 23 November 1982, entrusting the Secretary-General with carrying out consultations with the parties concerned, to explore the ways and means of arriving at an acceptable solution, and to report back to the Assembly at its next session. In the 11 years between 1983 and 1994, in spite of efforts of the Secretary-General, the General Assembly has been apprised only of the unsatisfactory results of his good offices.

Under the auspices of the Secretary-General, informal talks have been conducted at the level of Foreign Ministers, at New York in December 1992, at Rome in April 1993 and at Geneva in May 1994. Unfortunately, nothing has really changed in the life of the Maubere people, owing to the fact that Indonesia is only interested in polishing its international image, which has been recently tarnished by information from several sources concerning increasingly sophisticated human rights violations.

Just to improve Indonesia's image in international opinion, a group of journalists was allowed to visit the Territory last April, but always under escort. Reporting in *The Guardian* on 16 March 1994, a journalist said that the ruthless control apparatus built up by Indonesia since 1975 was still operating, and that there was a climate of terror, threats and war. A brief demonstration by a few young students in front of the journalists' hotel and another near the church, supporting Xanana Gusmão's struggle for the freedom of East Timor were scattered by police. Seven days later Indonesia announced six detentions for questioning. East Timorese sources report that 12 persons have been detained without specific charges.

Amnesty International says that these arrests were consistent with a long-standing pattern of short-term detentions and ill-treatment of real or alleged political opponents to Indonesian rule. Only one of these 12 detainees has been released. On 24 June 1994 it was reported that three students had been sentenced to 20 months in jail for staging a demonstration expressing their anti-Indonesia feelings in front of visiting foreign journalists.

In spite of the efforts of the Secretary-General, the Commission on Human Rights and the Special Committee on decolonization have been unable to stop the violence and repression. More than one third of East Timorese have been killed. The future of the remaining two thirds is our deepest concern. How long will they resist military and police abuses aimed at destroying by intimidation their identity, their culture and their hope in international solidarity, if that solidarity never materializes?

Since the Santa Cruz massacre, at least 400 Timorese have been detained without charges. Many of them have been denied access to their relatives, lawyers and the International Committee of the Red Cross (ICRC). International law on violently occupied territories recognizes the right to resist. Yet 20 Timorese have been sentenced to life imprisonment for subversion and other political crimes; three of them have been in detention since 1984.

Thanks to international pressure and to action by Indonesian human rights organizations, it has been possible to protect human lives and improve access to East Timor. Nevertheless, last year the military authorities imposed close monitoring on visits by the ICRC and foreign delegations.

Last January, Xanana Gusmão was punished with a temporary suspension of visits after it was learned that he had written letters to the Portuguese authorities and the International Commission of Jurists.

On behalf of the Portuguese people, as one of its representatives, I ask this Committee, with the gravest concern, to act, and act fast. Each year, each day, the unbearable postponement of an acceptable and dignified solution costs more and more suffering for the East Timorese.

Today the Committee heard credible international organizations testifying to genocide, sexual abuse and ethnic liquidation against the East Timorese. Such uncivilized behaviour in Bosnia has shocked the world, but in East Timor has been met by incomprehensible silence from powerful democratic nations, which seem to have different judgements of similar situations.

The capacity of the Timorese to resist violent invading rulers is astonishing. But we know, and this Committee knows, that the pursuit of Indonesia's intentions in East Timor is evidence of the increasing weakness of the United Nations in its attempts to secure peace.

In the light of those facts, we reaffirm the urgent need to create conditions within the framework of the United Nations for carrying out a process - incumbent upon Portugal as the administering Power - leading to the self-determination of the people of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Luis Manuel Costa Geraldes (Member of the Portuguese Parliament, Social Democratic Party of Portugal) took a place at the petitioners' table.

The Chairman: I call on Mr. Geraldes.

Mr. Geraldes: Nineteen years have gone by since Indonesia, a former colonial Territory which in the past fought honourably for its own freedom, invaded East Timor. The invasion of East Timor in 1975 violated the basic principles of international law; accordingly, the unilateral annexation of the Territory was never recognized by the international community.

On 12 December 1975, the General Assembly, at its thirtieth session, adopted resolution 3485 (XXX) concerning the Indonesian invasion, which recognized Portugal as the Power responsible for administering East Timor. On 22 December of that year, the Security Council unanimously - and I wish to emphasize the word "unanimously" - adopted resolution 384 (1975) on the same subject, which was drafted in similar terms, insisting that Indonesia withdraw its armed forces from East Timor and recalling the right of the Timorese people to self-determination and independence.

During the last 19 years more than one third of the Timorese people have been killed by the brutal and savage Indonesian police and armed forces. Since December 1975 fear, violence, repression, torture, disruption of family life and attempts to destroy the Timorese culture and its religious beliefs have been the order of the day in East Timor.

One has to be sufficiently adult to understand that life is not fair and just. But, may I ask, is this not too high a price for the Timorese people to pay?

The Secretary-General of the United Nations has declared 1994 the International Year of the Family. How does the honourable representative of Indonesia in this Committee feel about the constant atrocities committed by his country's armed forces against the families of East Timor? As a responsible human being, does he not feel ashamed? Does he sleep well at night? I am sure he does not, because I believe, and I am sure, that he is a citizen of the civilized world.

Indonesia realizes that the current situation in East Timor cannot be maintained indefinitely. The sign of nervousness shown by Indonesia during the recent conference in Manila is a clear indication that Indonesia feels very uncomfortable and very uncertain about the situation in East Timor.

The cause of East Timor has, indeed, gathered growing support around the world, both at governmental and non-governmental levels. The European Union has called repeatedly on Indonesia to put an end to systematic human rights abuse in East Timor and has stressed the need to achieve a just, comprehensive and internationally acceptable settlement to the question of East Timor, with full respect for the legitimate interests and aspirations of the East Timorese, in conformity with the principles embodied in the Charter of the United Nations.

Awareness of the East Timor issue is also gaining momentum in the United States, both in the Administration and in Congress. Last year's cancellation of the sale of F-5E fighters from Jordan to Indonesia, the cutting off of funding for the participation of that country in the International Military Education and Training Programme and this year's suspension of the sale of lethal riot-control equipment are certainly positive steps. The two letters signed by 37 Senators and 101 Congressmen urging President Clinton to discuss the issue of East Timor with President Suharto on the occasion of the last Asia-Pacific Economic Cooperation summit in Seattle are also highly significant.

Under the auspices of the Secretary-General of the United Nations the Foreign Ministers of Portugal and Indonesia have held four rounds of talks. During the last meeting held in Geneva on 6 May, the statement issued contains certain important dispositions referring to the implementation of the recommendations contained in the Chairman's Statement on the human rights situation in East Timor, adopted last March by the Commission on Human Rights in Geneva.

Since 1992 the question of East Timor has reached a different level of discussion at the Commission on Human Rights. The nervousness shown by Indonesia at those meetings clearly indicates that the wind is blowing in a different direction.

However, notwithstanding the positive steps referred to above, Amnesty International, in its annual report, repeatedly reports serious human rights violations in East Timor.

Last April a group of journalists who were allowed to visit East Timor under escort also reported that harassment, detention and torture remained part of everyday life and that there was a climate of fear and horror. The report made by the journalists and those made by Amnesty International surely indicate that Indonesia is a nation of two faces, one for international consumption and the other of internal horror and brutality. I therefore urge the international community, and appeal to it through this Committee, to adopt more drastic measures to stop the long and painful suffering of the people of East Timor.

Finally, I wish to leave the members of the Committee with a statement made by Bishop Belo, the Apostolic Administrator of Dili, in a recent newspaper interview:

> "Indonesia's military presence in East Timor generates a climate of fear, and nothing will change until the people of the Territory can determine their own future."

It is very simple. This is the key to stopping the pain and suffering of the people of East Timor.

In conclusion, I wish to thank the Committee for its patience in listening to me, and may God bless all men of good will.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Narana Sinai Coissoró (Member of Parliament, Social Democratic Centre Party (CDS)) took a place at the petitioners' table.

The Chairman: I call on Mr. Coissoró.

Mr. Coissoró: My name is Narana Coissoró. I am a Member of the Portuguese Parliament, the Assembléia da República.

So far today we have heard 20 statements by petitioners who have given the honourable members of this Committee the true record of Indonesia, which is, to tell the truth, the Javanese imperialist invasion of East Timor from 1975 to this very day. It is a history of the tragedy which has befallen the martyred nation of East Timor, a history of day-to-day violations of their rights and dignity as individuals and peoples by a militarily strong neighbour that abuses of its strength and power to impose its tyrannical and arbitrary rule on the defenceless but proud Maubere people, which is now the largest population to suffer colonial rule after the fall of apartheid in South Africa.

In addition to all the atrocities reported today, we have to refer to religious abuses, as Muslim soldiers and officers have profaned churches and committed sacrilege by violating sacred rules, interrupting masses, spitting on altars and resorting to repugnant practices of scorning the sacred communion in Dili's churches. One cannot imagine that at the end of the twentieth century a State recognized as a member of the international community and a Member of the United Nations could adopt such behaviour, which must be considered barbarous and uncivilized, transforming East Timor into an experimental ground for military violence and an arena for Muslim fundamentalists to offend the religious rights of Catholic believers of East Timor. The free world has to denounce what the Bishop of Dili, Mr. Ximenes Belo, called a routine nightmare, invoking the need to give the Maubere people the last word in deciding the future of East Timor.

The question of East Timor must be seen in the context of the inability of the international community to impose respect for human rights and the right of peoples to self-determination. This is an alarming situation the world over, from Africa to the former Yugoslavia and to Asia. But if this panorama is regrettable, it is intolerable when great Powers abuse their strengths to serve their interests.

The situation in Rwanda is not the same as that of East Timor. In the first case, there are internal forces that are fighting each other. In the second case, there is a great military Power that abuses its strength and its international connections to smash a small people. It invaded and occupied the territory and proclaimed its annexation, acts which were all condemned by international law. It killed hundreds of thousands of East Timorese, a crime of genocide which could and should in due time be judged by an international court. It is unacceptable that great nations, such as Australia or the United States, accept this situation in the Pacific at the same time as they claim to be extremely worried about Africa or Yugoslavia. We appeal to them to place respect for international law and fundamental morality above their interests. We vehemently recall that if the United Nations does not protect the weaker peoples they will be defenceless before lawless violence. This is the appeal we make here today in the name of a people that is close to extinction as a result of the Indonesian invader.

The time has come for the United Nations to take a firm stand against Indonesia and restore the rule of self-determination, which is the first step to recognizing the dignity of the East Timorese people.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Miguel Urbano Rodrigues (Member of Parliament, Communist Party, Portugal) took a place at the petitioner's table.

The Chairman: I call on Mr. Rodrigues.

Mr. Rodrigues (Member of Parliament, Communist Party, Portugal) (interpretation from French): At this session, when petitioners of various nationalities come before the decolonization Committee to denounce the situation in East Timor and to call for a solution enabling the Maubere people to exercise their right to self-determination and independence, we are brought face to face with an example of the international community's inability to ensure respect for the United Nations Charter.

For more than 18 years the Government in Jakarta has been defying resolutions of the General Assembly and the Security Council condemning the invasion of East Timor. I shall venture to draw the Committee's attention to aspects of the current impasse resulting from the strategy of Indonesian imperialism. Indonesia is pursuing a policy that makes that republic an outlaw State.

In 1994, as in 1993, its Government made commitments at the Commission on Human Rights in Geneva which again have not been honoured. In his talks with the Portuguese Government Foreign Minister Ali Alatas has asked for confidence-building measures. Yet in East Timor the occupier persists in a policy of violating human rights and fundamental freedoms.

The last report of Amnesty International on this topic is very clear, as are the declarations of parliamentarians of various countries that have visited the Territory. The Committee today heard the statement by the representative of Amnesty International, reporting very grave facts; the impressive testimony of Mr. Constancio Pinto, who listed Indonesian atrocities, including the murder of a young man named Marcelo; and the statement of Mrs. Tolfree, from Britsol, England.

John Pielger's film on the killings in the Dili Hospital after the Santa Cruz massacre has had a major impact throughout the world. Several weeks ago in the Portuguese Parliament we listened to an account of these monstrous events given by Timorese who were at the hospital and to a description of tortures to which they were subjected. Portuguese deputies also listened to the testimony of the Swedish parliamentarians who visited Dili and found an atmosphere of terror imposed by the occupiers.

The Government of Indonesia also intervenes overseas through lobbies and pressure on certain Governments. One example was the attempt to prevent the Manila Conference. Fortunately, the independence of the Supreme Court Judges in the Philippines and the firm positions taken by eminent personalities, such as Cardinal Jaime Sin of Manila, turned that Conference into both an act of international solidarity of extraordinary importance and a denunciation contributing to making millions of people throughout the world aware of the crimes committed in East Timor by the regime of General Suharto. A similar solidarity conference is being prepared in Malaysia, so we expect new pressures from the Jakarta regime on the Government in Kuala Lumpur.

The other aspect of the problem to which I wish to draw attention is the complicity which has allowed the Republic of Indonesia to create a situation which deprives the people of East Timor of the ability to exercise their right to self-determination and independence. Without the illegitimate support of some of the major industrialized Powers and powerful international organizations, Indonesia could not its policy of constant intransigence, defying the universally accepted principles of international law.

I wish to give as an example of black humour the attitude of the European Commission, which added the name of Mr. Ali Alatas, General Suharto's Foreign Minister, to the list of outstanding humanists, such as the Nobel Prize winner Oscar Arias; Mr. Alatas was among those given the title of "promoter of universal models of human rights". Even more shameful, Mr. Jacques Delors chaired the meeting which elevated as an exemplar of human goodness the Minister responsible for his country's policy in East Timor, a policy of violence and genocide.

Several Governments, including those of the United States, the United Kingdom, Japan and Australia support the regime of General Suharto - the dictatorship of Javanese imperialism - either directly or indirectly. Last week human rights organizations staged a demonstration in Paris outside the World Bank to protest financial support for Jakarta by countries of the pro-Indonesian Consultative Group. They did so because in 1993 Indonesia received more than $5.1 billion in various forms of aid and investment, and it hopes for even more this year. This is indeed a prize for a country whose regime defies what Western democracies regard as fundamental principles and values.

The United States Government's support for Indonesia is the most important, the most scandalous and the most immoral of all. The State Department's report on the Indonesian situation in 1994 helps clarify the foreign policy contradictions of the Power that aspires to establish a new world order. While emphasizing that the Indonesian economy shows great dynamism, the report paints a terrible picture of the regime: autocracy, corruption, torture, guerrilla warfare in Timor, in Irian Jaya and Aceh, oppression of minorities and nepotism. The many references to East Timor give us official confirmation that Washington recognizes that arbitrariness rules in Dili and that the trial of Xanana Gusmão was a judicial farce. The State Department acknowledges that it is well aware of what is going on in East Timor. Nevertheless, the United States regards as a *fait accompli* Indonesia's annexation of the Territory, thus adopting a position in defiance of United Nations resolutions on the question.

This policy goes back a long way. The truth cannot be concealed. The United States has encouraged and supported the invasion of East Timor, closing its eyes to the genocide that followed the occupation. This fact is recalled in detail in the preface by Mr. Noam Chomsky, an eminent American, to the book entitled "Dili Tomorrow", by Mr. Ramos Horta, one of the leaders of the Maubere Resistance. Most notably, Chomsky recalls that President Gerald Ford and Henry Kissinger went to Jakarta in December 1975 to give the green light to the invasion. The action of the United Nations was then blocked by Washington.

Ambassador Patrick Moynihan, in a telegram sent on 23 January 1976 to Secretary of State Kissinger stated that he had successfully carried out his secret work. "The United States", he writes in his memoirs,

> "wanted things to develop as they have developed and has worked to that end. The State Department wanted the United Nations to be totally ineffective as regards any measure to be taken. This task was entrusted to me and I carried it out with not inconsiderable success."

The Pulitzer Prize-winning American journalist Rod Nordland, after a visit to Dili, summarized the tragedy of the Maubere people in a newspaper headline: "Timor continues to be a land of hunger, oppression and poverty."

He is right. Yet one must not sow confusion. One must differentiate between the Javanese empire under the dictatorship of General Soeharto and the people of Indonesia, who deserve our respect. Likewise, the people of the United States are not responsible for the complicity of the American Government with the Government in Jakarta. I would like to pay tribute to the solidarity of major American newspapers such as *The New York Times* and *The Washington Post* with the struggle of the people of East Timor for self-determination and independence.

All imperialist aggression deserves to be condemned. I am one of those who believe that the day will come when the East Timorese people will be free, when it will attain the major objective for which it has fought with tenacity and heroism for more than 18 years of occupation and terror. I hope - the people of Portugal hopes - that the United Nations Special Committee may contribute to ensuring that that day will dawn as soon as possible.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Fransisco Xavier Amaral took a place at the petitioners' table.

The Chairman: I call on Mr. Amaral.

Mr. Amaral: My name is Fransisco Xavier Amaral. I am the former chairman and founder of FRETILIN, the East Timorese Liberation Party, and I later became the first

President of the Democratic Republic of East Timor. I would like to thank the Committee for this opportunity to speak on East Timor. I would also very much like to take this opportunity to express my sincere appreciation to the United Nations, to the various Governments and non-governmental organizations and to all people who have given their time and have worked on behalf of the East Timorese people. These efforts and consideration are not unrecognized by the East Timorese.

I have not come to this Committee to condemn or speak against any individual or people. For I must believe that the actions taken by those involved were sincere and based on the belief that, at the time, those actions were correct and just. Nevertheless, since the debate on the status of East Timor emerged on the international scene, I have noticed the tendency to view East Timorese history as having begun in 1975. Before that time, East Timor seems not to have existed and remains a mystery to the world. But we did exist. We were a colony of Portugal for 450 years. Sadly, having been forgotten by the world for so long, we have now emerged as an issue to be used by some to pursue their own agendas, again at the expense of the real interests of my people. This makes me both sad and angry, and that is why I have asked to speak here today.

The presentation of facts concerning East Timor has for the most part been one-sided, made by people who like to indulge themselves with the sound of their own voices and notions of what occurred. But if we are to be privileged to hear the facts of what has happened to East Timor, then let us have the full story. We must acknowledge the cruel colonial experience of the East Timorese, when the Portuguese came from the other side of the world to oppress, exploit, divide and kill my people. It was Portugal that, in 1975, instigated the fighting and killing among the Timorese, turning brother against brother, and son against father. It was Portugal that deliberately left us in a state of civil war, washing its hands of our fate. This I know because I was one of the main participants in that civil war, struggling for the independence of East Timor.

If I may, I would like to relate some of my own experience, which has become linked with the history of East Timor. In 1946, following, the Second World War, when I was 11 years old, there was a large deportation of more than 1,000 Timorese to the island of Atauro. These people were considered dangerous because they could read and write. Only 200 of them survived, including two of my cousins, one of whom is still alive. For the head of my brother, who escaped this prison, the Portuguese Governor, Captain Antonio Maria Da Serpa Rosa, offered a good reward.

In 1956, in the aftermath of an uprising, a good number of women, children and old people were gunned down by Portuguese soldiers on the beaches of Watulari and Watukarbau. Others were deported to Angola, Mozambique and Portugal.

History also shows that Portugal did not want United Nations involvement in East Timor after proclaiming it to be an overseas province. In fact, it was written in the Portuguese Constitution that Portugal remains attached to its responsibilities towards the decolonization and independence of East Timor. It was only after events took an unexpected turn that Portugal turned to the United Nations.

Today, certain Portuguese politicians persist in pursuing their own agendas, and in the process try to sell our dry bones to get what they want. Do they really believe that the East Timorese can survive another civil war? God forgive me, but I do not believe so. I am convinced that if Indonesia, like Portugal, abandons East Timor that will only plunge us into another civil war with perhaps even more dreadful consequences than the first one.

Let us look clearly and realistically at what is happening in East Timor today. Once again there are people who, by holding out false hopes and unfounded dreams, are turning the Timorese youth against each other, just as they did to my generation. Our 450 years of bitter experience is apparently not enough time for them to learn the lesson. We must ask why. To me the reason is clear. The East Timor issue has become a "political commodity" to be exploited to suit vested interests.

Let us look at some of the claims that are being made. It is said that East Timor is a closed territory. Not true. East Timor is in fact open to serious and fair-minded visitors and professional human rights organizations. It has been visited by foreign journalists, members of parliaments, diplomats, the International Committee of the Red Cross and many other organizations. And in fact, while some of the reports of journalists have not been complimentary, the very fact that those reports were possible is testimony to the openness of East Timor. But I must admit that, in one respect, East Timor is closed. It is closed to foreign activists and politicians whose main goal is not to obtain a first-hand view of the situation but to manipulate the facts to their own interests. Had I, in fact, been a member of the Government I, too, would have restricted their access, which can only be seen as a form of blackmail, pure and simple.

Much attention has been directed by the international community to the tragic Santa Cruz incident, which took place on 12 November 1991. How did this happen? The communiqué of the FRETILIN secretariat issued on 24 February 1994 itself stated that the incident took place in a climate of extreme political and social turbulence, while confirming the presence of provoking elements within the crowd. My own inquiry, in which I contacted Timorese who were either directly involved as demonstrators or bystanders who witnessed the incident, also confirmed that the demonstration was wild, unruly and provocative.

I have not the slightest intention to justify the shooting. I deeply regret the incident. It was the blood of my Timorese brothers that was spilled in Santa Cruz. But this profound regret was also shared by the people of Indonesia as well as President Soeharto, who has taken measures to prevent the recurrence of such an incident. Yet, there remain people who continue to use this incident for whatever purpose they may have against Indonesia. The nauseating thing as they go about this is that none of them has condemned the people who were behind the scenes manipulating these youths, who were still at the dawn of their lives, into a situation of potential harm.

These people still continue to hold out false hope to the youth of East Timor. They willingly sacrifice young lives as they scheme, manoeuvre and seek leverage with Jakarta. I had occasion to speak with one of the young survivors of Santa Cruz and to ask him why he involved himself in political demonstrations. He said proudly: "As a young Timorese, I have to fight for independence." "You are too young to know what independence is all about and all its consequences", I said to him. To which he replied: "Never mind." I continued to ask him if he was sure independence would come soon. "Yes", he replied, "because according to the news, I heard the Portuguese members of Parliament will come to East Timor with the members of the United Nations". "How?" I asked. "Do you really think the Portuguese will put political will and resources into putting an end to a new civil war? I don't believe so, because they abandoned us once before in order to get rid of us, whom they considered a burden in those days. Look at Angola and Mozambique now. Are those Portuguese and those activists really helping to stop the suffering there?" There was no reply. I am sure that if the same question were put to the international community, the reply would be the same.

The reason I relate this story is to illustrate to the Committee that the false hopes and dreams that are offered to the young people in East Timor have dire consequences. Here, in this Committee, we may indulge ourselves in debate on questions of right or wrong, and on whose interpretation of history is correct, after which time we fold our papers away, enjoy a good meal and turn to other preoccupations. For the young people of East Timor, however, such illusions call for the action of youth and prompt them to commit acts and risk their lives in a hopeless and questionable venture; and some at Santa Cruz made the ultimate sacrifice.

I myself fought for the independence of East Timor and in fact was among the few who began and led the fighting. But now I am proud to say that, having analyzed all the pros and cons of the best way for East Timor to continue, I consciously accepted Indonesian citizenship and for East Timor to be united to the other provinces of Indonesia. After all, Indonesia is a country of 360 ethnic groups. We East Timorese belong to the same ethnic group as those living in West Timor, a part of the Indonesian family since independence in 1945. Our ancestors were divided not because they wanted to be, but as a result of colonial design.

Should we continue to spill our blood, sacrifice the lives of our young people and lose all hope for the future? Should we sacrifice lives because we have been prompted by foreign politicians and activists who remain safe and secure and when all is said and done will write a fine eulogy for East Timor, express their regrets and move on to the next crusade in which failure offers limited risk to themselves? Or should we realize that Indonesia's concern with East Timor has brought development, a hope for stability and an end to 450 years of occupation?

In conclusion, to my Timorese friends I would appeal that we Timorese stop listening to the promises and empty dreams given by politicians and their international friends. To be sure, many who work on behalf of East Timor do so out of sincerity, and I do really appreciate the efforts they make. Indeed, we are all ultimately working towards a better world. But for the Timorese, I believe we must recognize that the greater interests of global politics and of the big Powers dictate our future. And if we are to secure for our children a better life, then our course must be through integration with Indonesia and, as Indonesians, to work for our common prosperity.

Integration means not only that East Timor belongs to Indonesia, but that the whole of Indonesia belongs to East

Timor. And although Indonesia is a developing country, at least it is willing to share whatever limited resources it has to build East Timor. Our Timorese youth should be pushed hard to construct, not destroy, their future, and to build our native land, East Timor in particular and Indonesia in general. This is the dream that we should work on and realize. This is the surest way we can survive and prosper in this less than perfect world.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Paulino Gama (Timorese International Secretariat for Human Rights and Timorese Prisoners' Fraternity) took a place at the petitioners' table.

The Chairman: I call on Mr. Gama.

Mr. Gama: I am the former operational commander of the Armed Forces of National Liberation of East Timor (FALINTIL), the armed wing of the Revolutionary Front for an Independent East Timor (FRETILIN), and I spent 10 years in the mountains of East Timor, from 1975 until 1985, opposing the presence of the Indonesian administration in my homeland.

In 1990, I managed to escape from Jakarta to Thailand and founded two East Timorese human-rights organizations: the Timorese International Secretariat for Human Rights and the Timorese Prisoners Fraternity. I then decided to seek new ways of protecting the physical integrity of my own people from abuses committed by some Indonesian authorities.

After the Santa Cruz incident of 12 November 1991, the Timorese International Secretariat for Human Rights and the Timorese Prisoners Fraternity strongly denounced the behaviour of the Indonesian military, but acknowledged the immediate initiative of the Indonesian central authorities to carry out the investigation and to find those responsible for the tragic event.

Finally, after cross-checking Indonesian reports with ones we made on the spot, we recognized that the incident was the isolated act of certain individuals and that it was due to circumstances of place, time and motivation resulting from Portuguese interference from a distance.

The people of East Timor today are more confident of a growing respect for their human rights, as the Indonesian authorities are implementing the recommendations made by the United Nations Commission on Human Rights, not only in East Timor but also throughout Indonesia. And recently, the Timorese International Secretariat for Human Rights and the Timorese Prisoners Fraternity were promised permission to act openly in East Timor. We hope soon to open a small office headed by well-known Timorese human-rights activists.

We must gradually continue to free ourselves from this lengthy tragedy. We must change the nature of the dialogue between Portugal and Indonesia in order to allow for a comprehensive solution for East Timor, one that would include Timorese representation and that would be historically recognized as far back as 1975.

The Timorese International Secretariat for Human Rights and the Timorese Prisoners Fraternity therefore unconditionally support the initiative of the Secretary-General to implement confidence-building measures between Portugal and Indonesia in order to reach the best possible solution for our people's stability, harmony and progress.

I trust that this Committee will also make its contribution to helping the United Nations perform its role of preserving peace in a very important part of the globe.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Sidney Jones (Human Rights Watch/Asia) took a place at the petitioners' table.

The Chairman: I call on Ms. Jones.

Ms. Jones: As you know, we at Human Rights Watch/Asia, which was formerly called Asia Watch, take no position on the political status of East Timor, but we believe that full knowledge of the human-rights situation there must inform the Committee's deliberations on the issue of decolonization.

East Timor is neither a Rwanda nor a Bosnia. It is a place, however, where arbitrary detention and torture are routine, and where basic freedoms of expression, association and assembly are non-existent. Disappearances and politically-motivated killings have become relatively rare, but they do still occur. When cases are reported, controls on information and access to the Territory are such that it is virtually impossible, even for Indonesian non-governmental organizations, to conduct investigations that would meet international standards for impartiality and thoroughness. The Indonesian Human Rights Commission, which, for all its many flaws, has at least been a useful sounding board for complaints from the Indonesian public, had not, as of June 1994, visited East Timor officially or looked into any of the many reported cases of human-rights violations there.

The Indonesian Government has recently taken some steps for which it deserves credit. We welcome, for example, the visit to East Timor, just concluded, of Mr. Bacre Waly N'Daiye, a distinguished Senegalese lawyer who is currently Special Rapporteur on Summary and Arbitrary Executions. But at the same time, we note that East Timorese sources tell us repeatedly of the extensive security preparations taken by the Indonesian military in advance of high-profile visits of foreigners. These preparations often involve the rounding up of potential "troublemakers" - and we understand, in fact, that this happened before Mr. N'Daiye's visit. Residents of areas the group or individual is likely to visit receive warnings, and officials book most of the rooms in either of the two hotels in Dili where the visitor is likely to stay.

On June 30, the Indonesian Government, through the intercession of the International Committee of the Red Cross (ICRC), also allowed the family of resistance leader Xanana Gusmão to visit him in Cipinang Prison, Jakarta. It was the first time in almost 20 years that Gusmão had been able to see his wife and two children, now residents of Melbourne, Australia. That humanitarian gesture was welcome, but it came after Gusmão had been in prolonged solitary confinement in Cipinang, without access to visitors or newspapers, allegedly as punishment for smuggling out letters to supporters. This kind of treatment is in violation of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

We also note with regret the decision of the Indonesian Government to move six East Timorese sentenced in connection with events in October and November 1991 from Dili to Semarang, where they will have no access to friends and family.

Overall, the human-rights situation in East Timor continues to be grim. As we noted earlier, new cases of disappearances are rare, but there are hundreds of outstanding, unresolved cases, and no progress has been made in accounting for those who remain missing in the aftermath of the November 1991 massacre or indeed in more recent incidents.

In May 1994, relatives of Gaspar Carlos in Dili revealed to a visitor that he remained missing after his arrest by military intelligence, known locally as Satuan Gerakan Intelejen, or SGI, on 3 September 1992, just prior to the summit meeting in Jakarta of the Non-Aligned Movement. Aged 30 at the time of his disappearance, Gaspar was an employee in Dili of Bank Bumi Daya. His family was told by the military that he had been arrested as part of security measures being taken in connection with the Jakarta summit, as he had been planning to go to Jakarta with a few others to present information to representatives of the Non-Aligned Movement about the situation in East Timor. Gaspar was taken to the SGI office in Colmera, Dili, and from there a few days later to the Comarca prison in Balide, Dili. Shortly thereafter, he was taken out of the prison at night and has not been seen since. The family has made repeated inquiries to the military in Dili and recently sought help from Indonesia's National Commission on Human Rights. His wife and two children remain in Dili. As his employer, Bank Bumi Daya, fired him after his arrest, the family has no regular source of income.

I am not going to refer again to some of the incidents that my colleagues have mentioned, but I should like to make a point about access to East Timor by human rights organizations. Despite the claims of Indonesian Foreign Minister Ali Alatas in early May that he was inviting Amnesty International and Asia Watch - now Human Rights Watch/Asia to visit East Timor, no human-rights organizations have been given access since Asia Watch and the International Commission of Jurists were allowed to attend selected sessions of the Xanana Gusmão trial in March 1993. We were explicitly refused permission to visit East Timor in June 1994.

It is not only international human rights organizations that have difficulty getting to East Timor; Indonesian human rights organizations do as well. In early May, a seminar on the topic of sustainable development and the environment was due to take place at the University of East Timor, sponsored by a number of Indonesian non-governmental organizations, members of a coalition called the Joint Committee for the Defence of the East Timorese. This includes some of Indonesia's most respected non-governmental organizations on human rights, such as the Legal Aid Institute, the Indonesian Council of Churches, and Institute for Social Advocacy and Study (ELSAM). A week before the seminar was to take place, the military commander for the region that includes East Timor called the university rector and told him the conference would have to be postponed. When it took place, the Indonesian non-governmental organizations were not permitted to attend, nor was an East Timorese member of ETADEP, an East Timorese environmental organization, by the name of Florentino Sarmento.

In short, East Timor remains a troubled place where human rights abuses continue. Greater openness - defined as freedom for East Timorese to gather in private houses without permits and to express their own opinions freely, unhampered access by foreign journalists, less control over foreign visitors, and access by international human rights organizations - would almost certainly help prevent such abuses and ensure some form of redress for victims. But if the last few months are any indication, the trend is not towards openness but the reverse. The closure on 21 June of three important news weeklies in Jakarta has implications for East Timor as well, because it suggests a desire to control information that the politically powerful find offensive. Restricting information prevents problems from being aired and solutions from being found on all fronts, not just human rights. For East Timor as well as for Indonesia proper, that may prove very damaging indeed.

The petitioner withdrew.

At the invitation of the Chairman, Mr. José Martins III (Timorese Liberation Organization) took a place at the petitioners' table.

The Chairman: I call on Mr. Martins.

Mr. Martins (Timorese Liberation Organization): It is my understanding that on 13 July 1993 Mr. José Luis Guterres addressed this Committee with an East Timorese dignity that jeopardized the role of outsiders who use the name of our people to garner international fame for themselves. In that way, Mr. Guterres enhanced the efforts of the Secretary-General to teach all Timorese first of all to build a platform of mutual dialogue that will enable Portugal and Indonesia to find a fair, internationally acceptable solution for East Timor.

Indeed, my question is how we can solve the case of East Timor if we - the victims and protagonists of the civil war provoked by the irresponsibility of the Portuguese authorities in 1974 - are irreversibly opposed to one another. How can the good will and honest intentions of the United Nations create the conditions that would bring Portugal and Indonesia together when all the real political leaders of East Timor will not face each other across the table with no interference from any quarter?

I am the oldest political veteran of East Timor politics. As early as 1962 I was a political prisoner of the Portuguese colonial Power. I am therefore the person who can dismiss every one of the assertions and arguments that have been put forward, including by all Portuguese political parties and international groups, by proving that a decolonization process never occurred in East Timor, but only a simple conspiracy to pit East Timorese against East Timorese in a bloody, inhumane civil war just to please foreign interests engaged in the struggle between communism and democracy.

As I write this statement, I am not sure whether Mr. José Ramos Horta will be attending the Committee's session; if he does, perhaps we could set up an informal meeting of blood-brothers to establish the most important target that world opinion expects from us all: respect, service and sacrifice for our beloved East Timorese people, the only human group that has been smelted by continuous holocaust for 500 years.

Ze Horta and I have always understood one another's political positions; we were even companions in the resistance for many years. José Horta, however, has been compromised by a 20-year relationship with people whose aim is to use East Timor against Indonesia, as he knows very well. I myself decided last year not to contribute any longer to a resistance whose leaders, technically, financially and ideologically, are no longer true *Asuains Barani* of East Timor: Indonesia has greatly improved in its respect for the integrity and welfare of our people, and we have guarantees that the sad case of the 12 November incident at Santa Cruz, caused by personal initiative on the spot owing to the public-order situation, will not be repeated.

My brethren in my organization have the highest East Timorese qualifications and the resistance background to talk to world opinion. Mr. Xavier do Amaral was President of the Democratic Republic of East Timor; he saved many lives and was nearly martyred by radical revolutionary members of the Frente Revolucionária de Timor Leste Independente (FRETILIN). For 10 years, Mr. Paulino Gama was the most qualified guerrilla commander and created the Timorese partisan *maquis*.

For the first time in our contemporary history, three top leaders in the East Timorese process who were ideological enemies on the battlefield are waiving all personal interest in order to create conditions in which Portugal and Indonesia can allow our people finally to have peace, order, harmony and development. Moreover, the current Portuguese Minister for Foreign Affairs has shown true statesmanship by listening to various Timorese opinions.

All three of us have a goal: to respect Indonesia as our age-old ancestral tree, our common biological and human source, and to honour Portugal for its gentle light of christianity at a time when our ancestors were being exterminated on a large scale by colonialist terror and violence.

Today, some people want to discuss the Indonesian presence in East Timor over the past 18 years. But who among them cares about understanding our tragic submission to Portuguese colonialism, under the most horrible circumstances, at a time when there were no mass media or international forums? We are the protectors of our people's survival and continuity, and we want peace and harmony with the Indonesians, the Portuguese and the world; we do not want to sacrifice our people to minor gods of agitation and exploitation.

I dare to think that among the honourable Committee members some may be originally from States which were subjected to colonialism in the past, with the consequence that parts of their own peoples were arbitrarily "transferred" to political borders found to be ideal by foreign Powers with no respect for ethnic and original language patterns. This is certainly a drama which is often at the root of permanent conflicts.

The case of East Timor is similar. The Dutch and the Portuguese, with no permission whatsoever, divided the island of Timor in two parts just to consolidate their own exploitative colonial interests. Since 1914 we, the Timorese, have had to close our eyes to arbitrary sanctioning, in Switzerland, of the division of Timor Island between Portugal and the Netherlands as a result of the illegal private sale, in 1851, of Flores, Adunara, Solor, Alor and West Timor by the Portuguese Commissar Lopes de Lima to the Kupang Dutch Resident.

We are, in fact, tired of business behind our backs, and we also we have to say that Portugal never respected the conditions agreed with the Liurais of East Timor "to protect the Territory with full respect for its own peoples". East Timor was abandoned by Portugal at the precise moment when we were struggling in a dirty civil war caused by Portuguese revolutionaries. In 1975, when I asked the last Portuguese military officers, before they moved into Indonesian territory, who were now going to defend the Portuguese flag hoisted in Batugade, the answer was,

> "You, the Timorese, must be the ones to take care of yourselves now. Our mission here is over. There is no way back to restore conditions of peace because you, the Timorese, will never be at peace among yourselves. It is the tradition."

And that, in part, is true. We were divided by Portuguese colonialism to kill our own brothers in order to sanctify Portugal. And the result was not only dramatic but also horrible: we had to choose between a new protecting Power like Indonesia, our natural human and biological grouping, or self-extermination.

At the request of Portugal, at the Rome meeting on 1 and 2 November 1975, Indonesia was forced to establish peace and order. Our four parties, replacing the Revolutionary Front for an Independent East Timor (FRETILIN), chose integration, knowing that it would take at least two generations to finally breathe prosperity and peace after a 500-year period of emotions, suffering, glory and death.

Therefore, the sole important question is this: Shall we continue to provoke and offend Indonesia, our saviour from chaos and disorder, or should we ask Indonesia to promote a happy future of brotherhood and common identity for our people in all fields of human progress, respect and development?

After 19 years of abandonment, Portugal is a respected and honoured country whose behaviour in the world is heroic, notwithstanding a criminal process of general delivery of its overseas peoples to neo-dictators. But today Portugal could never help us to be independent, because we are already independent through our decision to ask Indonesia to preserve us from new forms of colonialism aiming to destroy us through more divisions and civil strife.

Who is really independent today, unless it is the rich States of the northern hemisphere? The independence of East Timor would be impossible because, first, we are divided and under continuous ideological and political opposition; secondly, unless we sold our independence to foreign exploitation and domain, we could not feed ourselves, because of the erosion of our forests and the 60 per cent incapability of our soil for quick new harvests; and, thirdly, we would be forced to become a spot for internationalization of conflict at the entrance gate of Australia and a permanent point of reference to destabilize large areas of southern Asia, creating difficulties for a new *entente cordiale* between the States along both coasts of the Pacific. This last point is, in fact, part of an international movement from some militant areas aimed at destroying

Indonesia and possibly part of the Philippines as sovereign States.

We struggle for the cooperation and benefits of Western civilization in South-East Asia, with major emphasis on the United States of America, along with Japan, China, Korea, the European Economic Community and even Canada, Australia and New Zealand. The attainment of this goal will make it possible to bring direct and quick advantage to many States of the third world which have the responsibility to let Western/Asian cooperation develop in peace for mutual profit; otherwise, we shall not be able to prevent cases such as those in Angola, Mozambique, Somalia, Biafra, Ethiopia and so on. The time has arrived for an international order based not on ideological options but on the supremacy of know-how, manpower, technology and solidarity for great objectives, such as to produce food, machinery, medicines and better standards of living and education.

Indonesia is ready to undertake its duties before the needs of humankind as the greatest State of South-East Asia. If East Timor is a problem for some persistent and stubborn groups made up of the same people who still want to restore the principle of a rotten socialism - which is, after all, the dictatorship of the party over the workers - for us, East Timor is moving steadily ahead towards happiness, as Indonesian central authorities are now totally committed to respecting the people of East Timor in all areas. In the past we built, and acted in, a resistance which was heroic but not aimed against our Indonesian brothers. It was set up against abuses and violence, and those responsible have today totally been restrained and have been removed from East Timor by the Indonesian central authorities.

Therefore, I ask of this wise and honourable Committee that it allow Portugal and Indonesia to act together, in accordance with the recommendation of His Excellency Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations. Obviously, this means that if we, the victims and protagonists of a historical process, do not sit down and talk, without foreign pressures and intervention, the case of East Timor will continue to be a burden for the United Nations in its role as a world forum which inherited the responsibilities resulting from Portugal's abandonment of East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. John M. Miller (Solidarietà con Timor Est of Italy) took a place at the petitioners' table.

The Chairman: I call on Mr. Miller.

Mr. Miller: Founded in 1991, the Coordinamento Italiano dei Gruppi di Solidarietà con il Popolo Timorese - the Italian Coalition of Solidarity Groups with the East Timorese People - is a coalition that includes non-governmental organizations, local groups and individuals engaged in supporting the East Timorese people's struggle for self-determination. The Coordinamento promotes information and sensitization campaigns and solidarity projects.

If we examine the East Timor issue and relevant General Assembly resolutions and compare it with similar situations, such as those of Namibia, Belize or Western Sahara, we can point out the following: first, all four Territories are former colonies that a nearby powerful country - South Africa for Namibia, Morocco for Western Sahara, Guatemala for Belize, Indonesia for East Timor - has tried to subjugate, advancing territorial contiguity as an excuse to justify the annexation; secondly, in each of the four cases the General Assembly has passed resolutions that have acknowledged the right to self-determination as a means to reach complete independence; thirdly, two of those countries, Belize and Namibia, have become independent in full observance of their people's will; fourthly, in Western Sahara, on the basis of agreements reached by Morocco and the POLISARIO Front, the track through self-determination has already been opened - in fact, the United Nations has agreed to check the observance of the cease-fire and will assure support for a referendum in order to grant the people of Western Sahara the right to self-determination without any military or administrative constraints.

The Coordinamento Italiano dei Gruppi di Solidarietà con il Popolo Timorese, bearing in mind the continuous human rights violations in East Timor, of which the massacre at the Santa Cruz cemetery on 12 November 1991 represents only one of the many atrocities committed by the Indonesian forces of occupation, gravely concerned at the difficulties over access to East Timor by human rights organizations and other relevant human rights observers, deeply concerned at the pressures exerted by the Indonesian Government on the Philippines Government in order not to allow the international meeting of solidarity groups in Manila in May 1994, requests, also on the basis of General Assembly resolution 37/30, that the United Nations promote and guarantee the right of the people of East Timor to self-determination with processes similar to those adopted for Namibia, Western Sahara and Belize.

The petitioner withdrew.

At the invitation of the Chairman, Mr. José Luís Guterres (FRETILIN) took a place at the Committee table.

The Chairman: I call on Mr. Guterres.

Mr. Guterres (FRETILIN): FRETILIN, Front for an Independent East Timor, is grateful for this opportunity to address the Committee on the question of East Timor. I should also like to thank the various petitioners, including parliamentarians, that have given us a great deal of information about what is going on in their country in support of East Timor on this question. I was particularly happy to listen this morning to the newest member of the East Timorese network, Solidarity for East Timor, from the Philippines, a citizen of a neighbouring country that at least cares about what is going on in their neighbourhood.

It is also very interesting to note that for the first time we had the privilege of listening to different Timorese with an opposite point of view on this situation. I hope that next time the Indonesian military in East Timor can allow Mr. Xanana Gusmão to participate in the debate. I also hope that what happened on 12 November 1991, when young students went peacefully to demonstrate and express their different point of view about the situation and were killed by Indonesian soldiers, will not happen again. The presence of the East Timorese here is also a lesson that we can apply in Timor, as we appeal to the Indonesian authorities at least to listen to people with different points of view. I believe that if we begin in this simple manner, we can as soon as possible solve the question of East Timor.

For almost 19 years we have been resisting aggression and the military occupation of our homeland, without any material or logistical support from any country in the world, and we have been able to overcome all the difficulties. In 1979, with 90 per cent of our national leadership dead in battle or imprisoned, we were able to pass the banner of resistance to the younger generation.

In April this year we completed the process of reorganizing the external wing of FRETILIN. We had a plenary meeting with the participation of elected delegates representing members living outside East Timor. New members of the leadership were elected. Our aim is to reinforce the unity of the Timorese political and social organizations and of Timorese. We put aside any political differences in order to work together for a referendum in East Timor, supervised by the United Nations, as is being done in Western Sahara. One must recognize the courage of King Hassan of Morocco in accepting a referendum for Western Sahara. Why not in East Timor?

The Committee has been discussing this issue since the 1960s. The right to self-determination had already been recognized by Portugal in 1974. Under a Portuguese law of 7 July that year, the Portuguese officially established a mechanism for a transitional period towards independence, but extremist elements in the Indonesian armed forces, led by General Moerpoto, and associates in the Center for Strategic Studies were busy conspiring against East Timor, planning political and military intervention.

Since the beginning of the Timorese problem FRETILIN has appealed many times for involvement by the countries of the Association of South-East Asian Nations (ASEAN) in order to help bring a just solution to this problem in a neighbouring country. For example, when Indonesia accused FRETILIN in September 1975 of violating its territorial integrity, we made appeals to ASEAN members to send troops for joint control of the border area. But in ASEAN they prefer to ignore the plight of this tiny island. When Indonesia invaded East Timor, only a small State, Singapore, abstained on General Assembly resolution 3485 (XXX).

This year the Timorese cause has achieved more political support. But the main success was the Asia and Pacific Conference on East Timor, held in the Philippines. The recent foundation in Jakarta, by non-governmental organizations and personalities and intellectuals, of the Joint Committee on East Timor is also a remarkable turning point in our struggle.

A delegate of the Indonesian organization, Yaysan Pijar, said in Manila:

> "Our primary reason for coming to this conference is to extend our solidarity to the peoples of the world in winning justice and peace. Our first commitment is to justice: That the people of East Timor should have the opportunity to determine their own fate. Only then can there be peace between Indonesia and East Timor and the violence which has cost so many lives can be ended. We are here in this conference because we cannot refuse to see that East Timor is part of the democracy and human rights struggle in Indonesia.
>
> "Violence, repression and coercion in East Timor must be stopped in the name of our humanity, in the

name of the victims who have fallen on both sides. The cries of children who have lost their fathers and mothers, their relatives, are the same everywhere, in East Timor and in Indonesia."

Another politician, Philippine Senator Wigberto Tanada, said during the same conference,

> "Why should we care about the plight of a relatively obscure and isolated people when there seems to be nothing to gain from this as far as our country is concerned? We should care because our sense of worth as human beings obliges us not to deny others their own humanity and human existence. When a country goes against the grain of human decency, it is right to protest and immoral to compute the cost-benefit ratio of protesting. To ignore injustice and oppression is to betray our humanity, to fail in our adherence to human rights and to subvert our conscience, which stands for what is good and just."

The invasion of East Timor by Indonesian armed forces has interrupted the natural development of our country and created disturbances in our economy. With regard to the environment, East Timor has suffered extensive deforestation. The use of defoliants during the military campaign has damaged much of the country's vegetation. The Indonesian-backed companies plunder natural resources such as sandalwood, and the army uses burning as a preventive measure against guerrillas.

With regard to the heath situation, East Timor has an infant mortality rate of 160 per 1,000 births. Mali and East Timor have the highest infant mortality rates in the world. An Indonesian health official admitted in November 1993 that at least 70 per cent of East Timorese children under five years old are malnourished. The Baucau Hospital and other health centres built by Indonesia are poorly equipped and have few medical supplies.

As to the economy, we agree that East Timor is country rich in resources. Oil and gas are its most significant resources, with a large reserve in the Timor Sea between East Timor and Australia.

This huge reserve has attracted multinational corporations from the United States, Australia, Japan and the United Kingdom. Twelve such corporations are now operating there. The Timor Gap Treaty for joint exploration between Indonesia and East Timor has been challenged by Portugal, the administering Power of East Timor, in the International Court of Justice. The Timorese community living in Australia has also challenged the Australian Government in the Australian High Court.

As we have often stated, our policy for an independent East Timor is to welcome the exploration of Timorese natural resources by multinational corporations. But at this stage we do not support any activities by multinationals in the Timor Sea.

In 1975, the leaders of FRETILIN and the UDT were invited to visit an offshore platform in the Timor Sea. We were informed by the former Governor, Brigadier-General Limospires, that East Timor would be exporting oil in 1977. But what is happening today in East Timor?

As we can see from recent conclusions by an Indonesian academic, Professor George Aditjondro of Salatiga University, the East Timor economy is practically controlled by the three generals who led the invasion of East Timor, Generals Benny Moerdani, Dading Kabualdi and Sahala Rajagukuk. They created the PT Batara Indra Group, which virtually monopolizes the entire economy of East Timor. Subsidiaries of this group monopolize each sector of the economy: PT Salazar in the coffee business, PT Scent Indonesia in the sandalwood oil business and PT Marmer Timor Timur in the marble quarrying business. Meanwhile, PT Fatu Besi Raya, another subsidiary, grabs the lion's share of civil engineering projects in East Timor.

Indonesia may be right when, in statistics published in various propaganda materials, it claims to have created thousands of companies and jobs. But those thousands of companies belong to Indonesian generals, not to the Timorese. The jobs are given primarily to Indonesian immigrants. For example, the international press recently reported on differences between the central Indonesian Government and their Governor in East Timor, Mr. Abilio Soares, who threatened to resign over the insistence of the Government in Jakarta on appointing a non-Timorese to a senior position.

From our point of view, the situation of the East Timorese is worse than it was before. At least in the past we had the freedom to cultivate our lands, to travel without any restrictions to any place in our country, to live in the land of our ancestors. But this is not happening today. That is why we are here.

This critical situation has been denounced by Indonesia's own protégés. Mr. Florentino Sarmentok, Director of the East Timor Association for Development and Progress (ETADEP), who is also a member of Golkar, the Indonesian ruling party, said to Washington Post reporter William Branigin in April of this year,

> "The whole process of development is just a show for the outside world."

It is also important to note some of Professor George Aditjondro's other conclusions. He states that in East Timor the Indonesians concentrate the construction of infrastructure, particularly roads, bridges and harbours, in the regions where army activities are focused. In other, relatively more peaceful regions such as Ermera, Maliana and from the Maliana border region to Sohai, the condition of the roads is deplorable and there are hardly any bridges.

I will not elaborate on the human rights situation in East Timor because the speakers who preceded me have already denounced the situation. But I want to note one very important fact concerning Colonel John Lumintang, the new commander of the Indonesian troops in East Timor. In February, Colonel Lumintang accused FRETILIN of having killed a village chief.

As we have said in past years, we are not here simply to point a finger at the Indonesian delegation or the Indonesian Government or to ignore what the Indonesian military says about human rights violations allegedly committed by FRETILIN. We have suggested that we are prepared to work with the Indonesian Government or with the United Nations or other international human rights organizations in order to clarify this kind of situation. We defend human rights as a universal principle and it is not our position that killing our opponent is a good thing. Therefore, the Indonesian Government and other organizations can receive our full cooperation on that matter if they request it.

With regard to the military situation, the Indonesian military commander in East Timor, Colonel Lumintang, has stated that the FRETILIN resistance has only about 200 guerrillas with 100 or so weapons among them, and that there is an average of one encounter per month between soldiers and guerrillas. He also stated that only two Indonesian soldiers have been killed since September 1993.

Whatever our number, FALINTIL has been resisting for practically 20 years without any external support and will continue to do so until a political solution can be found. The public declaration of the Regional Commander in Bali to foreign correspondents that Indonesian troops will be reduced to six battalions has been challenged by the resistance. On 6 May we indicated the locations and recorded a total of 30,000 troops and security elements in East Timor. The full text of my statement contains the names of many of these battalions - battalions 112, 114 and 389. There are also the combat detachments Kopassus Group 2, Brimob, Kodim and Police. There are also indigenous teams such as Tim Siera in Baucau, Saka Team of Quelicai, Mkikit Team of Viqueque and Alfa team of Lospalos. From time to time, the Indonesians announce the removal of some battalions, but they are immediately replaced by others. In Dili alone there are 69 military posts, essentially to watch young people.

We oppose strongly any arms sale to Indonesia. It is with great concern that we see European and American companies selling warships and warplanes to Jakarta. All this modern equipment will reinforce military power not only in Jakarta but also in East Timor. As a small island and a country that has never received any material help, and whose aim is to defend its right in accordance with various resolutions of the Security Council and the General Assembly, we can only count on the solidarity of peace-loving organizations in these countries to help stop these sales.

To conclude, on the political situation in East Timor, Mr. Nino Santana, the leader of FRETILIN, has said:

> "The people of East Timor are aware that an attitude of inflexibility by the extremist will not favour a solution to the problem. For this reason, our method of struggle is based on moderation and flexibility, based on complete openness for dialogue. However, the Indonesian regime remains defiant, inflexible and arrogant. We remain ready to enter into a process of dialogue without preconditions with the view to exploring every possible solution beneficial to all parties involved."

On the Timorese side, a national consensus was established. This consensus was forwarded to the United Nations Secretary-General in February 1989 by Bishop Belo of Dili, requesting a referendum for East Timor. On 6 May, a round of talks in Geneva was followed closely by the Coordinating Commission of Diplomatic Front, a coordination body of Timorese Democratic Union (UDT), National Council of Maubere Resistance (CNRM) and FRETILIN. There are some positive elements in the final communiqué. Paragraph 9 states the readiness of the Foreign Ministers of Portugal and Indonesia to meet with the leading East Timorese supporters and opponents of integration.

The Timorese Coordination Committee of Diplomatic Front has already stated its willingness to meet with Minister Alatas. We firmly believe that the Timorese question must be solved by peaceful means and dialogue. That is why we continue to encourage the United Nations Secretary-General to pursue his mandate in order to speed up the resolution of the tragic situation of East Timor.

The petitioner withdrew.

The Chairman: I now invite the representative of Sao Tome and Principe to make a statement.

Mr. Ferreira (Sao Tome and Principe): I am speaking once again before the Special Committee on behalf of the five African Portuguese-speaking countries - Angola, Cape Verde, Guinea-Bissau, Mozambique and my country, Sao Tome and Principe - to express our deep support for the people of East Timor and for those who have been working tirelessly for an acceptable solution to this question.

Since the last session of the Committee, the situation in East Timor remains the same. The Government of Indonesia still does not want to give a chance to the people of this Territory to exercise their inalienable right to assert their freedom.

The group of five African Portuguese-speaking countries wants to express their concern on human rights violations by the Government's occupation force. The dialogue must continue and Portugal, as administering Power of the Non-Self-Governing Territory of East Timor, must be encouraged to continue its collaboration with the Government of Indonesia under the auspices of the Secretary-General, including the representatives of the people of East Timor, towards achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor.

We want to call the attention of the Special Committee to the fact that a number of East Timorese prisoners continue to suffer under the injustices of the Indonesian Government and that these prisoners must enjoy the right to receive fair treatment under international law.

In conclusion, we, the Group of Five, do not support the idea of settlement of conflicts by force and believe that a dialogue is necessary. We hope that one day the international community will see the authentic representatives of the people of East Timor assume responsibility for the destiny of their Territory. As in South Africa, the force of reason is much stronger than the force of oppression.

Organization of work

The Chairman: We have heard the last speaker for today. The Committee will continue consideration of the question of East Timor at its meeting tomorrow morning. Following the conclusion of that item, the Committee will take up during its two meetings the following items: Report of the Subcommittee on Small Territories, Petitions, Information and Assistance relating to the 10 Territories; the question of Western Sahara; the Special Committee decision of 15 August 1991 concerning Puerto Rico; the 101st report of the Working Group; foreign economic interests, military activities and arrangements; and the question of New Caledonia.

As the agenda is quite lengthy, I appeal to all members to be on time so that we can make maximum use of the time and the conference facilities available to us.

The meeting rose at 6.15 p.m.

United Nations A/AC.109/PV.1437

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1437th Meeting

Thursday, 14 July 1994, 10 a.m.
New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . (Cuba)

The meeting was called to order at 10.25 a.m.

Question of East Timor (A/AC.109/1187) ***(continued)***

The Chairman: I call on the representative of Portugal.

Mr. Quartin Santos (Portugal): Allow me to begin by saluting you, Sir, and all the other members of this Special Committee, and by recalling the significant contribution that this body has made over the last three decades to the successful role played by the United Nations in bringing about self-determination and independence for the overwhelming majority of the colonial countries and peoples throughout the world.

Even now, when that task seems near completion, it is important to underline that the principles and rules which have guided it are still valid and are applicable to the few remaining Non-Self-Governing Territories. The United Nations cannot, in particular, turn a blind eye to those cases in which the disregard for those rules and principles has led to a most regrettable situation of repression and human rights abuses.

Portugal, in its capacity of administering Power of the Non-Self-Governing Territory of East Timor, has as far as possible always cooperated with the Special Committee, despite the obvious limitations stemming from the fact that it has hitherto been de facto prevented from effectively exercising the responsibilities incumbent upon it.

The task of the Special Committee regarding the question of East Timor is underlined, in particular, by operative paragraph 2 of General Assembly resolution 37/30, in which the Committee is requested:

> "to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General with a view to facilitating the implementation of the present resolution".

Last year the Committee's meeting devoted to the question of East Timor took place in the aftermath of the adoption by the United Nations Commission on Human Rights of its resolution 1993/97 on the situation of human rights in East Timor and of the sentencing of the East Timorese leader Xanana Gusmão to life imprisonment by an Indonesian court in Dili, charged with "rebellion" and "separatism" for his opposition to Indonesia's illegal takeover of his country. On the other hand, under the auspices of the Secretary-General, the Ministers of Foreign Affairs of Portugal and Indonesia had held, in Rome, their second meeting. Political talks were thus proceeding against a background of continuing human rights concerns and unabated repression.

Portugal fully agrees with the Secretary-General's assertion, contained in paragraph 5 of his last progress report (A/48/418) to the General Assembly, that:

> "Equally important and intrinsically linked to the peace process is the human rights situation in East Timor. The improvement of the conditions in East Timor is *sine qua non* to progress in the talks".

In the light of this remark, it is time, precisely one year after our last meeting on this issue, on the one hand to

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make an assessment of the political process in motion concerning this issue, and on the other hand, to determine how things have evolved in East Timor, especially in the human rights field.

Shortly after last year's meeting, on 20 August, the Subcommission for the Prevention of Discrimination and Protection of Minorities adopted resolution 1993/12, in which the Indonesian authorities were urged to implement fully the 1992 and 1993 decisions of the Commission. In paragraph 1 of its resolution 1993/12, Subcommittee also expressed its

> "deepest concern, at reports of continuing violations of human rights in East Timor". *(E/CN.4/1994/2, p. 41)*

The Subcommittee remained seized of the issue and will consider it further at its next session, due to take place during August.

In the following month the Ministers of Foreign Affairs of Portugal and Indonesia met in New York with the Secretary-General for their third round of talks, aimed at achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor. The importance of the promotion of respect for human rights, in all their indivisible aspects, and of fundamental freedoms in East Timor was recognized, as well as that of the implementation of the provisions adopted by the Commission on Human Rights, by consensus, in March 1992. Special relevance was attached to the furthering of access to East Timor by the United Nations and humanitarian and human rights organizations. Also contemplated were the improvement of the atmosphere of dialogue between the parties; contacts to be carried out by the Secretary-General with whomever he deemed useful to assist in the solution of the question; and the promotion of a balanced exchange of visits by journalists and personalities from both countries.

The relevance of the human rights issues in this first package of confidence-building measures designed to start paving the way to address the substance of the question is quite evident. It is important to note that Indonesia has thereby expressly reiterated the commitments it made before the Commission on Human Rights to take concrete steps to improve the situation prevailing in East Timor.

The Commission on Human Rights met again in late January 1994. It took up the question of East Timor, having before it a report of the Secretary-General and reports emanating from its Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as reports by its Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances. Paragraph 13 of the Secretariat's working paper, document A/AC.109/1187, describes the main provisions contained in the consensus statement adopted by the Commission on 9 March.

Besides reiterating its concern on the continuing allegations of human rights violations in East Timor, the statement dedicates a good number of its points to calling again on Indonesia to carry out those provisions which had been adopted in the 1992 and 1993 Commission on Human Rights decisions regarding the 12 November 1991 shooting, in which scores of East Timorese civilians were gunned down by the Indonesian military. This implied that two years later the Commission considered that most of those provisions were still to be implemented, in spite of all the pledges made by the Indonesian authorities.

On the positive side, it should be underlined that it was possible to reach a consensus this time, as in 1992; that the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has been invited to visit the Territory - the visit has just taken place and we are looking forward to the report - and that Indonesia committed itself also to address invitations to other relevant thematic Special Rapporteurs and to Working Groups of the Commission to visit East Timor when necessary for the fulfilment of their duties.

The fourth round of talks under the Secretary-General's auspices took place in Geneva on 6 May. As a general comment on its outcome, we should point out, first, that the parties concentrated their efforts on consolidating and expanding the confidence-building measures, the need for which had previously been recognized. Special importance, in this context, was again attached to the human rights problem. The final communiqué contemplated the main points which had been the object of the decisions of the Commission on Human Rights. Indonesia has, therefore, reinforced the commitments already made regarding the improvement of the human rights situation prevailing in East Timor.

Special attention was also devoted in the Geneva meeting to the engagement of the East Timorese in this process of dialogue. Their interests, as they are the colonial people concerned in this question, are considered paramount by the Charter. The Ministers conveyed their appreciation to the Secretary-General in particular for the dispatch of a mission, in January 1994, that had a number of contacts in Lisbon, Jakarta, Dili and Sidney, many of them with East Timorese leaders and personalities. Similar consultations and contacts will take place whenever the Secretary-General deems it necessary.

But what may be still more important is the initiative taken by the Secretary-General to explore appropriate efforts to facilitate an all-inclusive East Timorese dialogue, to be encouraged as an important contribution to the ongoing talks under his auspices. The Ministers of Portugal and Indonesia also stated their readiness to meet with, respectively, leading East Timorese supporters and opponents of integration.

Potentially significant steps forward were thus made towards involving the East Timorese in the search for a settlement of this question, in accordance with the principles of the Charter and the relevant United Nations resolutions. It is now imperative that the conditions be established that will allow the Secretary-General to act effectively to promote an all-inclusive dialogue in a credible and transparent manner; a genuine and useful contribution to his endeavours can thus be made.

To make a balanced assessment of how the question of East Timor has evolved during these last 12 months, it is now necessary to compare words with the reality in order to see whether or not the latter was positively influenced by the decisions adopted and the commitments undertaken.

I regret to begin this task by saying that my delegation is quite disappointed by the lack of substantive and clear progress in redressing the human rights situation in East Timor. The positive developments recorded have been too limited in number and in scope and are therefore undoubtedly insufficient.

The Indonesian authorities have failed so far to provide sufficient information about the fate and identity of those killed and of the overwhelming majority of those still unaccounted for after the Santa Cruz killings. Bishop Belo, the apostolic administrator of Dili, said in an interview on 14 September 1993 that people involved in the 12 November demonstration were still seeking refuge in villages, fearing retribution from the military authorities, and that many families were still waiting to receive their children's bodies for burial. Disturbing accusations were recently made about the fate that a number of wounded people taken to the military hospital in Dili after the shooting would have met there. It is therefore imperative that all the circumstances surrounding the matter be duly investigated.

The invitation addressed to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to visit East Timor is welcome and it is expected that the recent visit he has paid to the territory will contribute to shedding light on this most horrifying episode. The cooperation that the Indonesian Government has extended to the United Nations Working Group on Enforced or Involuntary Disappearances is a positive sign, but has unfortunately failed to bear significant fruits.

The military and police personnel responsible for the shameful episode of the Santa Cruz cemetery have not yet been brought to justice, and the absurd discrepancy between the sentencing of soldiers and that of peaceful civilian demonstrators has not been redressed. Those convicted for nonviolent activities have yet to be released. In addition, five young East Timorese who demonstrated peacefully in April this year in Dili, on the occasion of a visit made by foreign journalists, were arrested and recently sentenced: two of them to three years in prison and the other three to 20 months. Amnesty International made an appeal last May on behalf of 11 East Timorese recently detained for non-violent political activities.

While the Portuguese Government reacted positively to the authorization to leave Indonesia granted to the seven young East Timorese who had sought diplomatic asylum in June 1993 in the Swedish and Finnish Embassies in Jakarta - considering it as a contribution to creating a more favourable atmosphere for our dialogue - we must now express our dismay at these repressive actions, whose negative impact on the dialogue must be duly put on record.

The Portuguese delegation had occasion last year to refer at length to the imprisonment and trial of the East Timorese leader Xanana Gusmão. I would like to add that we do not believe that the reduction of his life sentence to 20 years addresses the substantive issues at stake in this whole affair; it appears instead to be a measure aimed at appeasing harsh international criticism of Mr. Gusmão's trial. Mr. Gusmão has lately denounced the conditions under which he was held in prison - forced to choose a lawyer against his will and subjected to a trial that failed to meet internationally accepted standards of fairness. Lawyers from the Indonesian Legal Aid Institute have been prevented from meeting him. Visits by the International Committee of the Red Cross, although they have been resumed, were banned for a period of time. His wife and children were finally allowed to visit him only a few days ago.

My delegation views favourably the increased access to East Timor by the United Nations, subsidiary bodies of the Commission on Human Rights, journalists and parliamentarians. The Ministers in Geneva agreed that such access and visits should be continued and further expanded.

Nevertheless, while recognizing that some progress was made in this area, we regret that human rights organizations such as Amnesty International and Asia Watch have still not been able to visit the Territory, and that those visits which do take place continue, according to most accounts, to be tightly monitored and controlled by the authorities. The population is strongly dissuaded from speaking to foreign visitors. Spontaneous contact with local people is rendered extremely difficult. In one particular case - that of the visit made last September by members of the Swedish Parliament - students with a reputation for dissent were either arrested before the arrival of the delegation or sent out of Dili to prevent any contact or demonstrations.

In spite of some encouraging moves and the pledges made by Indonesia concerning the improvement of the human rights situation in East Timor, that situation appears to us to remain extremely worrisome and worthy of close scrutiny by the international community and by relevant United Nations bodies, including this Special Committee.

Following the visit made to the Territory last April by 26 foreign correspondents based in Jakarta, a number of articles and reports were released by some of the leading international media, which, with practically no exception, confirm that assertion.

It is, for example, extremely significant that an integration supporter like Mr. Florentino Sarmento, a member of the Indonesian Golkar Party and head of the leading non-governmental development agency in the territory, has said, as quoted by *The Sunday Telegraph* of 17 April 1994:

> "... this is not an integration; this is a pure military occupation. East Timor is a conquered territory, living in a climate of threat, fear and war."

Announcements concerning the reduction of Indonesian armed forces stationed in East Timor have been met with scepticism by military attachés in Jakarta who visited Dili in November 1993. The United States Department of State Human Rights Report for 1993 says:

> "In East Timor ... largely cosmetic changes in the force structure resulted in minimal reductions in troop presence ..."

Mr. Sarmento is also quoted by *France-Presses* on 18 February 1994 as having said:

> "It is hard to understand the purpose served by the presence of so many battalions when what we need is an internationally acceptable political solution."

In a research paper released in August last year, Professor George Aditjondro, a well-known Indonesian scholar, elaborates on the impact of the official transmigration programme and of the "flood of spontaneous migration from Indonesia" - to East Timor - on the monopolistic control of almost the entire economy of East Timor by an Indonesian Group, PT Batara Indra, and on the negative economic, social and cultural impact of the removal of the population from the interior of the country to "guided villages", mainly for military purposes. He also speaks of the fostering of a "culture of violence" and of "intimidation" as a consequence of the war in East Timor.

Monsignor Belo does not report very encouraging signs either. In one interview granted on 23 September 1993, he said the East Timorese live as if they were in a prison, under "permanent military pressure through vigilance". He added that people live in fear,

> "afraid of retaliation of the military authorities, of interrogations, of being tortured and beaten".

More recently, to the French newspaper *La Croix*" on 29 May 1994, he said:

(spoke in French)

> "At the human level, nothing can be settled until the Timorese are able to make a free choice about their future. Let the Timorese express themselves and then we'll see."

(spoke in English)

In the final communiqué of the 6 May meeting in Geneva, it is said that the Ministers of Portugal and Indonesia reacted positively to the Secretary-General's appeal to exercise restraint on the issue of East Timor in the interest of maintaining a favourable atmosphere for further progress towards a comprehensive settlement of the question.

On our part, we stand ready to continue to live up to our commitments. But restraint cannot be understood as a one-way street or a unilateral obligation of silence in the face of the persistence of unacceptable situations or abuses. Words must be followed by deeds, lest we be tempted to conclude that we are involved in an exercise aimed chiefly at buying time and at defusing growing international criticism over this issue. We deem it indispensable therefore that the constructive spirit that presided over the adoption of the last Commission on Human Rights consensus statement be followed by effective and unequivocal action on the part of the Indonesian authorities to redress the situation in East Timor.

In spite of the wide gap existing between the positions of Portugal and Indonesia on the substance of the question - that is, the completion of the decolonization process of East Timor - we firmly believe that there can be no substitute for a peaceful and negotiated settlement, with full respect, first and foremost, for the legitimate rights of its people in accordance with the principles of the Charter and of international law.

The passage of time and the unfolding of events in the Territory, especially during these last years, have clearly shown that there can be no lasting and durable settlement to these problems based on repression or on the use of force against the East Timorese, but that it will have instead to be based on respect for their right to decide, in a free and valid manner, their own political future.

Portugal remains thus firmly committed to contributing to the ongoing efforts under the auspices of the Secretary-General, hoping that, in a gradual but steady manner, the aforesaid gap will be bridged, allowing for legality to be finally restored in East Timor and bringing to its people the long-awaited peace and justice they are entitled to.

Unfortunately, I am forced to make an up-dated addition to my prepared statement. During these past hours, very disturbing reports have reached us concerning the occurrence of serious incidents in Dili, the capital of East Timor, prompted by several profanities committed against Catholic sacraments and acts of contempt for members of the Church attributed to Indonesian soldiers and security elements.

The situation in Dili is described as being very tense. A demonstration by hundreds of people was brutally repressed by the security forces and confirmed reports indicate that 300 students remain for several hours entrenched inside the University of Dili, surrounded by the Indonesian military, but left after negotiations carried out by the International Committee of the Red Cross and members of the local clergy. New demonstrations were announced for Friday.

My delegation wishes to put on record its strong protest of the acts of disrespect for the Catholic Church in East Timor and new serious attempts on the basic human rights and fundamental freedoms of the population of East Timor, as well as for the ruthless repression waged against those demonstrating against these actions.

It is said - though these reports are still unconfirmed - that three people were killed and 20 wounded as a result of the brutality of the security forces. It is imperative that violence be stopped, that the International Red Cross be granted due access to those wounded or eventually arrested, and that a thorough investigation be carried out of the profanities which were committed against the religion of the vast majority of East Timorese.

These incidents constitute a new demonstration that the situation in East Timor remains intolerable and that, unless its roots are addressed, it will not be substantially improved. We call on the Indonesian authorities to live up to their commitments, undertaken both before the Commission on Human Rights and the Secretary-General, to take prompt and decisive action to redress the human rights situation in the Territory, and to refrain from resort to further acts of repression. We appeal to the international community and the United Nations in particular to monitor closely the events in East Timor in order to avoid another human tragedy taking place in that Territory.

The Chairman *(interpretation from Spanish)*: I call on the representative of the Philippines.

Mr. Allarey (Philippines): Mr. Chairman, let me first thank you and, through you, the Committee for granting our request to speak in order to set the record straight regarding references made during the course of our meeting to a particular non-governmental organization conference held in the Philippines some six weeks ago.

In no way did the Philippine Government intend to prohibit a conference or discussions by a group of Filipinos in an academic setting - nor could it do so under the

Constitution of the Philippines - despite the effects that the discussions in question could have had on the livelihood of thousands of Filipinos. The freedom of Filipinos to assemble and express their opinions, as guaranteed by our Constitution, was fully exercised as the Conference in question proceeded as scheduled.

Nevertheless, the Philippine Government also had on this occasion no choice but to exercise its sovereign right to exclude non-Filipinos from entering the country when such entry was considered inimical to the national interest. In this regard, the Philippine Government cannot permit our country to be used by non-Filipinos as a platform and venue for political statements nor to engage in political activity in the Philippines against a friendly neighbouring country, or any other country for that matter.

Finally, we wish to make a comment on paragraph 36 of document A/AC.109/1187, the working paper prepared by the Secretariat. In this regard, we note that the source of this information was an article appearing in *Le Monde*. We had hoped that the Secretariat would have been more thorough in its research, rather than relying on a mere newspaper report. In this connection, the first sentence appears to convey the impression that all non-Filipinos were denied visas. As we heard yesterday, a number of non-Filipinos attended the said conference. It would therefore be more accurate if this sentence were amended to state that the Philippine Government on this occasion exercised its sovereign right to deny entry to the Philippines of some non-Filipinos.

We hope our comments can be taken into account and reflected in the verbatim records of this meeting in an appropriate manner.

Mr. Rai (Papua New Guinea): Yesterday, my delegation listened attentively to all petitioners in their submissions to this Committee. My delegation would now like to take this opportunity to make several observations.

First, we have taken note that, among the East Timorese speakers, two points of view have been expressed. Several speakers spoke on behalf of those citizens of East Timor who wish to integrate into the greater Republic of Indonesia, while one speaker spoke for self-determination and independence for East Timor. My delegation also noted that a majority of the speakers are parliamentarians from a number of European countries, including Portugal, or from non-governmental organizations based in Europe and America. Only one non-governmental organization is based in the Asia-Pacific region. From my country's experience, many non-governmental organizations purport to speak on behalf of peoples whose human rights are being abused either by their own country or an occupying Power.

In many instances, the motives and objectives of non-governmental organizations and individuals in promoting such issues are questionable. There are many examples to suggest that non-governmental organizations and individuals advanced themselves at the expense of peoples who are being marginalized. Therefore my delegation cannot take it for granted that all non-governmental organizations and individuals are speaking on behalf of East Timor.

Secondly, my delegation is concerned by the numerous allegations made by petitioners against the State of Indonesia on the infringement of fundamental human rights. My Government is a strong proponent of all aspects of human rights, and in view of those allegations, my delegation questions whether this is the right Committee to deliberate on matters of human-rights abuses.

The question of the decolonization of East Timor can be effectively considered by this Committee only with the full cooperation of Indonesia. My delegation has noted that country's strong objection to the question of East Timor's being discussed by this Committee as an issue of decolonization. The Republic of Indonesia does not see itself as an administering Power of a territorial people; it has stated that East Timor is an integral part of the State of Indonesia.

My delegation is placed in a somewhat difficult situation: to determine whether the question of East Timor is an issue of decolonization or of sovereignty. Therefore, we urge all members of the Committee to focus their attention on how to effectively address this issue, as the intransigence of the parties to the dispute will make this Committee's work more difficult.

It is my Government's considered view that all interested parties should be encouraged to make a more concerted effort to use the good offices of the United Nations to expedite the reaching of amicable agreements or understandings in order for this Committee to effectively address the question of East Timor.

Mr. Nasier (Indonesia): My delegation has consistently maintained that the people of East Timor have exercised their right to self-determination by opting for independence through integration with the Republic of Indonesia in 1976. We therefore oppose the granting of hearings and the consideration of the so-called question of East Timor.

Furthermore, we firmly believe that the appropriate and only forum to seek an internationally acceptable solution is the ongoing tripartite dialogue held between Portugal and Indonesia under the auspices of the United Nations Secretary-General. To make this undertaking successful, Indonesia's detractors should refrain from two-faced posturing and extend their genuine support to the dialogue as a viable mechanism.

During the last round of talks held between the respective Foreign Ministers of Indonesia and Portugal in May 1994, it was agreed to exercise restraint in order to maintain an atmosphere conducive to further progress leading to a settlement of the question. The next meeting is scheduled to be held in January 1995. Meanwhile, talks will be held between the representatives of the two Governments in New York. It is our earnest hope that this next dialogue will lead to positive results.

Indonesia has resolutely demonstrated its good faith in these endeavours by extending full cooperation with the Secretary-General in exploring ways and means for a viable solution. In this regard, it is pertinent to note that a series of confidence-building measures was agreed on 17 September 1993 during a meeting held between the Foreign Ministers of Indonesia and Portugal which included, *inter alia*: the need to create a favourable and non-confrontational atmosphere in order to facilitate a settlement; the importance of promoting respect for human rights in all their indivisible aspects and fundamental freedoms in East Timor, and, in this context, the implementation of the recommendations contained in the consensus statement by the Chairman of the Commission on Human Rights of 4 March 1992; and the continuation of efforts to promote a balanced exchange of visits by journalists and personalities of their respective countries.

As indisputable proof of its goodwill in implementing the agreed confidence-building measures aimed at fostering an atmosphere propitious to addressing the substance of the question, Indonesia has taken some concrete steps. In this connection, I would like to briefly state some of them.

The Indonesian Government has continued to provide access to East Timor on a regular basis to foreign representatives, parliamentary missions, journalists and others. During the past year, visits were made possible to the province by the Secretary-General's representatives, Mr. Francesc Vendrell and Mr. Tamrat Samuel. These included, from 19 to 23 January 1994, Mr. Manuel Tilman, an East Timorese lawyer; nine foreign correspondents; a delegation of 25 foreign journalists representing 16 print and electronic media organizations from various countries; and 26 East Timorese residing in Portugal. I am also pleased to report that the Special Rapporteur of the Commission on Human Rights on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Wali Ndiaye, has concluded his visit to Indonesia, which included the province of East Timor.

Likewise, many international agencies are in operation in East Timor, including the International Committee of the Red Cross (ICRC), Catholic Relief Services (CRS) and the United Nations Children's Fund (UNICEF). These organizations continue to function freely in the province and are working closely and in cooperation with the provincial Government. For example, the ICRC continues its protection programme, which includes visiting prisoners such as Xanana Gusmão.

We are heartened by the establishment of the Portugal-Indonesia Friendship Association (PIFA) on 20 September 1993 and of its counterpart, the Indonesian-Portuguese Friendship Association (IPFA), on 17 January 1994, the main objective of which is to increase and strengthen the cultural and historical ties between the peoples of both countries.

It is most regrettable to note that some quarters continue to perpetuate the myth of a large Indonesian military presence in the province. Let me correct this baseless accusation and inform this Committee that since security and public order has vastly improved in the province, the East Timor Military Operation Command has been dissolved and replaced by a regular District Command, as in any other province of Indonesia. Furthermore, the remaining military forces have begun phasing out, from the earlier stationing of eight battalions to only two, and seven out of eight of them are involved in civic missions.

Since the incident of 12 November 1991, the Indonesian Government has exerted every effort to continue the search for missing persons, but with limited success. It is pertinent to note that our Foreign Minister continues to keep the United Nations Secretary-General apprised of the investigation. The number of those now unaccounted for has been reduced to 56.

There is complete freedom of cultural expression in East Timor. It is the established policy of Indonesia to develop the cultural heritage of each ethnic group of the nation, including in East Timor, to maintain the rich cultural diversity of the Indonesian people. In this regard, the Indonesian Government is committed to preserving Portuguese relics in the province. A number of Catholic churches built by Portugal during its period of colonization have been renovated and restored by the East Timor Administration.

As to the expanded family reunion programme, 59 East Timorese have been granted permission to leave for Portugal. Also, on the basis of humanitarian considerations, seven East Timorese youths who tried last year to seek asylum in foreign embassies were allowed to leave for Portugal last December. In addition, Indonesia has approved requests from a number of East Timorese currently residing in Portugal and Angola to return to Indonesia. In a reconciliatory meeting in London, representatives of East Timorese in Indonesia and those living in Portugal met during December 1993 and agreed to further contacts. This should go a long way towards creating a positive impact on confidence-building measures.

Allow me also to set the historical record straight once again in response to some allegations and misrepresentations of facts made concerning the former colony. From the very beginning, Indonesia extended its cooperation to Portugal with the avowed aim of achieving the peaceful and orderly decolonization of East Timor. This was evidenced by a series of meetings held between the two sides in New York in September 1974, Lisbon in October 1974, London in March 1975, Jakarta in August and September 1975 and Rome in November 1975.

Tragically, before an agreement could be reached, the situation in the Territory was aggravated by the colonial Authority's abrupt abandonment of its responsibilities and its having handed over ammunition and weapons to one minority party. Thereafter, civil war erupted when that minority group unleashed a reign of terror against its own people and unilaterally declared independence. In response to the chaos and strife, the three other political parties, in line with General Assembly resolution 1541 (XV) voted overwhelmingly for independence through integration with Indonesia.

What Portugal has tried to do over the years is to project an image of helping the East Timorese people gain their independence. But this assistance comes 18 years too late. It should have been forthcoming much earlier. Decolonization took place in accordance with resolutions 1514 (XV), 1541 (XV) and 2625 (XXV), when the East Timorese exercised their right to self-determination and independence through integration.

As to the involvement of the United Nations, Principle IX (b) of resolution 1541 (XV) states in regard to integration that

> "The United Nations could, when it deems it necessary, supervise these processes." *(resolution 1541 (XV), annex)*

It is clear, therefore that the participation of the United Nations is not mandator. Yet throughout 1976 the provisional Government of East Timor spared no effort to try to involve the Organization in that process. Regrettably, all its invitations were accorded a negative response. Moreover, members of the Committee are well aware that many nations have gained their independence without resort to implementation of the provisions of resolution 1514 (XV). In fact, in some, the colonial Powers simply departed, often leaving the country in disarray; self-destructive civil wars continue to this day.

In East Timor, it is true that the process of decolonization was tumultuous owing to the hasty departure of the colonial Power and the attempt by one minority party to seize power by force of arms rather than through democratic methods. Nevertheless, there was a clear expression by four political parties representing the overwhelming majority of the population as to their real wishes for the kind of independence they desired, which was through integration with Indonesia. This brief chronology of events, which my delegation has reiterated on past occasions, shows that the Indonesian Government's only role was in responding to the expression of the true will of the people of East Timor.

It is indisputable that during the 18 years since integration with the Republic of Indonesia, the people of East Timor have achieved more substantial and tangible progress in all aspects of life than they did throughout the entire previous era. To bring the province of East Timor to the level of other provinces, the central Government allocated, and continues to allocate, a much larger per capita budget to East Timor than to any other province.

In this connection, let me note that the Government is allocating approximately 624 million rupiahs for a development project that involves 312 underdeveloped villages in the province. Priorities continue to be agriculture, education, public housing, communications and other infrastructures. The development efforts have as their primary goals the improvement of the welfare of the people of East Timor; this has yielded most encouraging results. From a perennial shortfall, food production is now up by 600,000 tons per year. East Timor has now cut back its dependence on other Indonesian provinces, for example for the supply of rice. Of the province's 3,767 kilometres of roads, 1,716 kilometres have been asphalted. Telecommunications have been enhanced with the installation of repeaters to improve reception in the highlands. Likewise, a private radio station has been established. The steady expansion of the economy is reflected in increased domestic investment, which, at the end of the year 1993, amounted to 232.64 billion rupiahs.

In the educational arena, during the fiscal year 1993, 250 teachers were assigned to East Timor: 125 for elementary schools, 55 for junior high schools and 70 for senior high schools. These teachers will be given special training to meet the educational needs of the province.

Before concluding, I wish to inform the Special Committee that a recent religious procession in a church in Dili was disrupted by unauthorized members of the security forces. The authorities have taken prompt steps to redress the incident. In this regard, I would point out that the Commander of the East Timor district command has formally expressed regret and has apologized. The unauthorized military personnel are now in custody and will soon be brought to trial.

Based on the actual situation prevailing in East Timor today and on the fact that the province has been an integral part of the Republic of Indonesia for nearly two decades, my delegation sincerely hopes that this Committee will finally decide that the inclusion and discussion of the question of East Timor can serve no purpose. Let me also add that to support integration is to respect the aspirations of the people of East Timor; to be against it is to oppose the will of the East Timorese people and to thwart their right to political, economic and social development.

The Chairman: I call on the representative of Portugal.

Mr. Quartin Santos (Portugal): Our colleague from Indonesia said that Portugal is to be blamed for the failure to bring about the decolonization of East Timor. We have repeatedly stated our point of view on this, but I must stress that we have already recognized our share - I emphasize "share" - of responsibility for the failure in 1975 to achieve that goal. History will certainly judge our efforts and the facts that led to the disruption of the process we had envisaged. But I would like also to stress very firmly that we reject the allegation that we abandoned the Territory. In fact, the Portuguese authorities in East Timor remained there to the very last day, when the Territory was invaded on 7 December 1975. The Portuguese authorities have made every effort to bring the parties together and to redress the situation in East Timor so as to allow the decolonization process to continue and to be brought about.

I simply wanted to put that on the record.

The Chairman *(interpretation from Spanish)*: If there are no other speakers, the Committee will continue consideration of this item at its next session, subject to any directives which the General Assembly might give in that connection at its forty-ninth session.

Mr. Nasier (Indonesia): Before the Committee comes to a decision, Mr. Chairman, my delegation wishes to state that from the beginning it has opposed the inclusion of the question of East Timor on the Committee's agenda. We believe that the appropriate - indeed, the only - forum to seek a solution is the ongoing dialogue between Portugal and Indonesia, under the auspices of the Secretary-General. Therefore, my delegation objects to the recommendation before us, and requests that its position be duly reflected in the record.

Mr. Seniloli (Fiji): Could you explain your proposal once again, Mr. Chairman?

The Chairman *(interpretation from Spanish)*: I am suggesting that the Committee decide to continue consideration of this item at its next session, subject to any directives which the General Assembly might give in that connection at its forty-ninth session. The reservation expressed by Indonesia will be included in the records.

Does the Committee agree to my proposal?

It was so decided.

Report of the Subcommittee on Small Territories, Petitions, Information and Assistance *(continued)*

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands (A/AC.109/L.1815)

The Chairman *(interpretation from Spanish)*: The Committee will recall that at its 1432nd meeting, on 11

July, the Committee approved an amendment introduced by Trinidad and Tobago to the ninth preambular paragraph of the general section of the consolidated draft resolution. I understand that the secretariat has circulated the amendment to members.

Mrs. Khan-Cummings (Trinidad and Tobago): I have had informal consultations with the Permanent Representative of Grenada and discussions with officials in my capital, Port-of-Spain, and my delegation now wishes to withdraw the second amendment proposed, to the third preambular paragraph of the ninth section of part B of the consolidated draft resolution, relating to the United States Virgin Islands, until some time in the future.

The Chairman *(interpretation from Spanish)*: The second amendment, proposed on 11 July, is withdrawn. May I take it that the Committee adopts the consolidated draft resolution, as orally amended, as a whole, without a vote?

Mr. Pursoo (Grenada): I do not wish to delay the Committee's work, but I had occasion to speak to the representative of one of the Territories listed in the consolidated draft resolution, which includes references to a number of conferences, and that representative regards the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks as being just as important as those listed, and would have liked to see it included. I do not know whether it is too late. I have not had the opportunity to discuss the matter with the representative of Trinidad and Tobago, because this appeal for the inclusion of that Conference was brought to my attention only very recently by the representative of one of those Territories.

Ms. Mackenna (Chile), Rapporteur of the Subcommittee on Small Territories, Petitions, Information and Assistance *(interpretation from Spanish)*: Unlike the other conferences mentioned - Agenda 21, the World Conference on Natural Disaster Reduction and the Barbados Conference - the Conference mentioned by the representative of Grenada is still being negotiated, so it is different in character from the others.

The Chairman *(interpretation from Spanish)*: Does the Ambassador of Grenada understand this?

Mr. Pursoo (Grenada): I do understand, Mr. Chairman, but I am not convinced that it cannot be mentioned, since we are dealing with follow-ups to Agenda 21. This is the danger when we begin to list these things.

I would have much preferred that we stay with a generic term and not begin to list these conferences because we always run the risk of leaving out one that seems important to one or two constituencies. However, I am not convinced that the reason for excluding this conference at this time is strong enough.

Mr. Nkounkou (Congo) *(interpretation from French)*: My delegation would be inclined to support the statement made by the representative of Chile, because the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks is indeed still going on and another session will begin on 15 August 1994, so we do not see why it should be included here.

As regards the International Conference on the Prevention of Natural Disasters and the Global Conference on the Sustainable Development of Small Island Developing States, those conferences were held very recently and the General Assembly has not yet ratified the programmes of action adopted at them. May those programmes be referred to nevertheless, in addition to Agenda 21? Perhaps the Secretariat could clarify this technical point.

Mr. Goel (India): I could not agree more with what the Permanent Representative of Grenada said in the first part of his statement regarding the danger of listing the various conferences and meetings by name, because there is always the danger of excluding something that might have relevance.

However, the point made by the representative of Chile is quite valid. Since we know that the negotiations on straddling fish stocks are still taking place - no agreed programme of action was adopted by that Conference, much less by the General Assembly - it would be a bit premature at this stage to speak of "bearing in mind" the plan of action of that Conference.

I would also associate myself with the point raised by the representative of Congo on the need to check with the Secretariat whether programmes of action may be referred to in a resolution before they have been adopted by the General Assembly. Apart from that, as I mentioned to one or two of my colleagues here, we have no difficulty with the programmes of action as such. Technically, though, it might be a good idea to clarify the matter.

The Chairman *(interpretation from Spanish)*: I would suggest that, taking into account what has been said here, the Special Committee hold consultations to seek an agreed formula. We could return to this matter at a later meeting of the Committee and proceed now with our current work.

Mr. Bangali (Sierra Leone): Will those consultations deal with the proposal to include a reference to the Conference on Straddling Fish Stocks or with the statements made by the representatives of Chile and Congo?

The Chairman (*interpretation from Spanish*): The consultations will be among the members of the Committee, taking into account the statement made by the Permanent Representative of Grenada and the response of the Rapporteur, as well as what was said by the representatives of Congo and India. Alternatively, we could continue to discuss this matter now. But in the interests of keeping up with our agenda, I would suggest that, together with the Rapporteur and under the leadership of the Chairman of the Subcommittee, we try to come up with a formula acceptable to the members of the Committee.

I call on the Secretary of the Committee to respond to the question of whether reference can be made in a draft resolution to plans of action not yet adopted.

Mr. Abrous (Secretary of the Committee): I think this is just a technical matter. I understand that the Conference on straddling fish stocks is still taking place and that there is no programme of action, so negotiations are still going on. Whether you would want to preempt the conclusions and so on is really up to the Committee. But to answer on a technical point, that is the situation. I think this should not take too much of our time at this stage, since there is agreement on the main thrust of the draft resolution.

With reference to the question concerning plans of action adopted at two other conferences, I think that I will need some time to consult with my colleagues on this matter and then to bring the information to members' attention so that they can decide on the final formulation.

The Chairman *(interpretation from Spanish):* To sum up, the Committee will decide once it has the information from the Secretariat.

Question of Western Sahara (A/AC.109/1194)

The Chairman *(interpretation from Spanish):* The Committee has before it a working paper prepared by the Secretariat *(A/AC.109/1194)*.

In accordance with the request for hearing granted at our 1431st meeting on 11 July 1994, I now invite Mr. Boukhari Ahmed of the POLISARIO Front to take a place at the petitioners' table.

At the invitation of the Chairman, Mr. Boukhari Ahmed (POLISARIO Front) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Ahmed.

Mr. Ahmed *(interpretation from Spanish):* On behalf of the POLISARIO Front, I should like to thank you, Sir, and the members of the Special Committee for the opportunity to participate in this meeting and to report on developments in the Western Sahara, a Territory which Morocco has illegally occupied since 1975.

As is well known, the United Nations, in cooperation with the Organization of African Unity (OAU), developed a Settlement Plan with the agreement of both parties - Morocco and the POLISARIO Front - aimed at holding a referendum on self-determination to allow the Sahraoui people to choose between independence and integration with Morocco. It was evident that this choice, which includes the option of annexation by the Power whose military forces invaded the Territory being decolonized, was unprecedented in the history of decolonization in the context of General Assembly resolution 1514 (XV).

The self-determination referendum was in principle to be held free of any military or administrative coercion and in conformity with United Nations resolution 40/50 and resolution 104 of the Organization of African Unity (OAU). Nevertheless, Morocco managed to secure from the United Nations the right to maintain 65,000 troops, as well as its administration and police force, during the future transitional period, together with tens of thousands of settlers who have been transferred to the Territory. The overall Moroccan presence during the referendum will thus be in the region of nearly 500,000 people, while the Sahraoui population entitled to exercise its right to vote was estimated, according to the Plan, at about 80,000 people.

Certainly, these were not ideal conditions for organizing a free and fair referendum. Nevertheless, the POLISARIO Front made those concessions out of a spirit of cooperation with the efforts of the United Nations and the OAU. As is known, the self-determination referendum was to have taken place in January 1992 following the entry into force of the cease-fire in September 1991. No sooner had the settlement plan begun to be implemented than the occupying Power demanded of the United Nations a unilateral modification allowing Moroccan populations to participate in the referendum and, by patent fraud, to legitimize the military occupation of the Territory.

That was the root cause of the deterioration in the process of peaceful solution painstakingly developed to bring an end to a long and anachronistic decolonization conflict which is a thorn in the side of Africa and an affront to the principles of the United Nations Charter. This deterioration continues to this day.

In February 1993, at a time when Morocco was a member of the Security Council, the Secretary-General submitted three options - A, B and C - to the Council. By resolution 809 (1993), the Council selected the first. The latter two provided, respectively, for a unilateral referendum organized solely with the participation of the occupying Power, or simply an abandonment of the peace Plan and hence of the efforts made by the international community. Resolution 809 (1993) set out two parallel courses of action. On the one hand, the identification and registration of Sahraoui voters whose names appeared on the 1974 census of the Spanish authorities was to begin. On the other, the Secretary-General was invited to intensify his efforts to resolve the differences over the identification criteria introduced in 1991 at the behest of Morocco. The Government of the occupying Power forestalled the implementation of that resolution by not allowing the identification and registration of voters from the 1974 census to begin.

At the beginning of June 1993, the Secretary-General, Mr. Boutros Boutros-Ghali, toured the region and delivered to the two parties what was called a compromise proposal to resolve the differences to which I have just referred. The POLISARIO Front, although aware that this proposal was based fundamentally on the viewpoint of the occupying Power, did not oppose it but called for certain partial amendments of its content to make it more balanced and impartial. That request was never honoured.

A month later, in July 1993, as I informed the session of the Special Committee which was then taking place, the beginnings of a direct dialogue between the parties was to take place in Laayoune, the occupied capital of Western Sahara.

It was a first step. The POLISARIO Front came to Laayoune, prompted by a spirit of good faith and a desire to take up and solve present and future problems that might stand in the way of peace and to create a climate propitious for the self-determination referendum.

The Security Council, in a letter of its President dated 4 August 1993 *(S/26239)*, viewed the initiation of a dialogue between the two parties as a positive development and encouraged the talks to resume.

The United Nations invited the two parties to a second round of talks, which was to take place in New York on 26 October 1993. However, the Moroccan Government declined to appear because for that Government, according to a letter, which was made public, from its Minister of External Affairs addressed to the Secretary-General, the direct dialogue was of concern only

> "to Sahraouis of one place or another who are to discuss the future of the Sahara as an integral part of the Kingdom of Morocco".

That was the event - described by some members of the Security Council as a provocation - which led to the cancellation of the second round of talks.

In March of this year, the Secretary-General submitted a report to the Security Council *(S/1994/283 and Add.1)*, in which he proposed three options. Under option A, the Secretary-General proposed a unilateral referendum. Option C provided for abandoning the peace plan and withdrawing MINURSO from Western Sahara.

The Security Council favoured option B, and in resolution 907 (1994) requested the Secretary-General to report to it, not later than 15 July 1994 on progress achieved in the work of the Identification Commission - on which the referendum's credibility will largely depend, since the occupying Power is seeking to have the Moroccan population participate in it - and on other relevant aspects of the Settlement Plan in order to clarify and resolve them and thus avoid new obstructions to the peace process. The most serious of these relates to the Plan's silence on the post-referendum phase. This gap in the plan opens the door to a recurrence of events such as those that occurred in Angola.

Following the adoption of resolution 907 (1994), the POLISARIO Front provided yet further proof of its desire to cooperate with the decolonization mission of the United Nations and spared no political effort so that this peace process, so gravely impaired by the Moroccan Government's deliberate obstruction, could be kept alive and reach a successful conclusion for the sake of peace and stability in the region.

The POLISARIO Front cooperated, and is cooperating, fully with the implementation of Security Council resolution 907 (1994). Pursuant to that resolution, the process of identification of Sahraouis entitled to participate in the referendum was to have begun in early June of this year.

To that end, MINURSO had requested the Moroccan Government and POLISARIO Front, first, to designate their official observers; secondly, to designate the eminent persons entitled to give oral testimony before the Identification Commission; and thirdly to accept the legal status granted by the United Nations to the observers of the Organization of African Unity (OAU), who, as provided by the Settlement Plan, would be participating in the work of the Identification Commission. The POLISARIO Front responded promptly and favourably to those requests.

Nevertheless, due to the official and public veto which the Government of the occupying Power interposes against the participation of the OAU and its observers, it has not yet been possible for the identification process to get under way. It is evident that we are faced with another unjustified obstruction of this Settlement Plan, interposed by the Moroccan Government at a critical moment for the continuation of the peace process.

At this point, I wish to provide the Committee with some of the factual elements which show that the present inertia is a result of deliberate action.

On 28 May 1993, the Special Representative of the Secretary-General sent a note to the Permanent Representative of the Republic of Senegal to the United Nations, who was President of the OAU during that year. It read:

> "In the light of the preparations under way by the Identification Commission pursuant to Security Council resolution 809 (1993) and bearing in mind the provisions of the Settlement Plan concerning the involvement of the OAU in the overall process of implementing the Settlement Plan, the Special Representative would be grateful to the Permanent Representative if he would kindly transmit to the President of Senegal, His Excellency Mr. Abdou Diouf, in his capacity as Acting President of the OAU, his invitation to designate two representatives for an initial period to observe, in the capacity of official observers of the OAU, the work of the Identification Commission in the mission area."

On 3 August 1993, the Executive Secretary of the OAU at the United Nations transmitted a note in reply to the Special Representative of the Secretary-General for the Western Sahara, in which he said:

> "I have the honour to inform you, in connection with your letter of 28 May 1993, and upon instructions from the President of the OAU, that the following officials of the OAU ... have been designated as official observers of the work of the Identification Commission."

Two days later, on 5 August 1993, the Special Representative of the Secretary-General sent a note acknowledging receipt, in which he said:

> "I have the honour to acknowledge receipt of your note verbale of 3 August 1993 in which you report the appointment of the two official OAU observers for the work of the Identification Commission".

On 2 and 8 June 1994, following the adoption of Security Council resolution 907 (1994), MINURSO sent notes to the Government of Morocco and the POLISARIO Front informing them that:

> "... observers from the Organization of African Unity designated in August 1993 by the Executive Secretary, upon instructions from the Acting Chairman of the OAU, have been invited to observe the work of the Commission, in keeping with the relevant provisions of the Settlement Plan. In the exercise of their functions with the Identification Commission, and bearing in mind the fact that the Settlement Plan is being carried out by the United Nations in cooperation with the OAU, said observers will be considered by the Organization as experts on mission for the United Nations, within the meaning of articles 6 and 7 of the Convention on the Privileges and Immunities of the United Nations. In this context, the POLISARIO Front is requested to confirm its agreement on the status of the OAU observers".

On 11 June 1994 the POLISARIO Front, by a note verbale, communicated to MINURSO its

> "approval and acceptance of the status given the observers from the Organization of African Unity (OAU) invited to observe the work of the Identification Commission in keeping with the relevant provisions of the settlement plan".

On 14 June 1994, a release by the official Moroccan news agency (MAP) announced that

> "Mr. Abdellatif Filali, Prime Minister and Minister for Foreign Affairs and Cooperation, has informed the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, that Morocco rejects the designation of the two representatives of the Organization of African Unity to monitor the work of the Identification Commission in the Sahara".

On 15 June 1994, MINURSO officially informed the POLISARIO Front that there was a delay in the process of identification, since

> "being unable to proceed without the OAU observers we have no alternative but to postpone the beginning of identification for at least a day".

A month has passed, and the process remains paralysed.

Those official documents, made available by the Secretariat some three weeks ago to any interested delegation, enable us to understand the origin and causes of the new threat to the peace process.

Only a few days ago, on 6 July 1994, the Canadian daily *Le Devoir* wrote that

> "The process has been delayed *sine die* due to Morocco's opposition to the presence of observers from the Organization of African Unity. In diplomatic circles in New York it is said that Morocco has been systematically practising obstruction since 1991 in order to gain time and force the United Nations to abandon the referendum".

The peace process in Western Sahara is bogged down, and every day it becomes clearer which party has been obstructing, and continues to obstruct, the efforts and the determination of the international community to bring an end to a long-standing decolonization problem, the persistence of which is depriving a people of its legitimate rights, threatening peace and stability in the region, and seriously compromising the credibility of the United Nations and its capacity to carry out its decolonization mandate.

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* Taking into account developments in the situation in Western Sahara, and subject to any directives which the General Assembly might give in this regard at its forty-ninth session, and so as to facilitate the Fourth Committee's consideration of the item, I propose that the Special Committee decide to transmit to the General Assembly all the related documentation on this item.

It was so decided.

The Chairman *(interpretation from Spanish):* The Special Committee has thus concluded its consideration of this agenda item.

Special Committee decision of 15 August 1991 concerning Puerto Rico

Requests for hearing

The Chairman *(interpretation from Spanish):* As members will recall, the Special Committee, at its 1431st meeting, held on 11 July 1994, decided to hear representatives of organizations interested in this question. In that connection, members have before them a number of communications containing requests for hearing; these have been circulated in aide-mémoire 21/94. May I take it that the Committee agrees to grant those requests?

It was so decided.

The Chairman *(interpretation from Spanish):* More than a dozen organizations have requested to be heard by the Committee. In conformity with established practice, the Committee will hear only one representative from each organization. I suggest that, where possible, organizations sharing similar positions should suggest one person to speak on their behalf. I also appeal to speakers to be as brief as possible in order to give all petitioners the opportunity to make their statements.

The first speaker on the list is Mr. Carlos Noriega Rodriguez of the Colegio de Abogados de Puerto Rico.

At the invitation of the Chairman, Mr. Carlos Noriega Rodriguez (Colegio de Abogados de Puerto Rico) took a place at the Committee's table.

The Chairman *(interpretation from Spanish):* I call on Mr. Noriega Rodriguez.

Mr. Noriega Rodriguez (Colegio de Abogados de Puerto Rico) *(interpretation from Spanish):* My name is Carlos Noriega Rodriguez, and I am President of the Colegio de Abogados de Puerto Rico: the Puerto Rican Bar

Association. This is the second time during my presidency that I have appeared before this Committee to discuss the problem of the colonialism my country has endured for the past 500 years.

The Puerto Rican Bar Association is the nation's oldest professional organization; it has served the country since 1840 and has had a long and honourable history. Its nearly 9,000 members constitute a pluralistic, heterogeneous organization encompassing diverse ideologies. Hence, the Colegio's resolutions and agreements respect that pluralism, and I must state that not all of our 9,000 members necessarily share the same views on this difficult, fundamental issue.

Since 1977 representatives of our organization have come before this Committee every year to submit reports and resolutions based on studies of Puerto Rico's constitutional development and of the legal and political relationship between Puerto Rico and the United States of America.

Our obligation to respond with a frankness born of our deep conviction that we live in a stifling colonial environment led me to conclude my statement last year by noting that 500 years of colonialism is a lot of colonialism. It is colonialism taken to an extreme. It is colonialism that degrades human beings, degrades everyone born in our country, with respect to every aspect of their dignity as a people, of the universal right to self-respect and of the obligation to respect others.

One has only to look at our people and their institutions to realize that Puerto Ricans are clearly divided in every way. The degrading colonialism suffered by the country has sapped our spirit at the very roots. Therefore, the Bar Association, of which I have the honour to be President, must continue to come before this international body year after year, as it has for the past 20 years, to protest about the terrible condition of being the largest colony of the most powerful country in the world. The United States Government has the moral responsibility before history to put an end to the degrading situation in which our people live, before the astonished eyes of the other free countries of America and the world.

Last year we pointed out that the Government that took power in Puerto Rico after the last elections had announced that a plebiscite would be held to resolve the problem of Puerto Rico's political status. We said then that the Governor had signed a law providing for the holding of a plebiscite on Puerto Rico's political status, to be held on 14 November 1993, when the voters could choose between the traditional status formulas, set out on the ballot paper in the following order: statehood, commonwealth status and independence. That plebiscite was held. We must record that the President of the United States, William H. Clinton, promised before the vote on the law establishing the plebiscite that he would support the decision of the Puerto Rican people, whatever it was. The President of the United States has not honoured that commitment.

Although 70 per cent of the registered voters took part in the plebiscite - which, incidentally, had none of the guarantees provided for in international law, because it contained none of the safeguards for the exercise of self-determination provided for by the United Nations - none of the proposed formulas succeeded in receiving an absolute majority.

Commonwealth, the political formula under which Puerto Ricans have lived since 1952, obtained 49 per cent; federated statehood obtained 47 per cent; and independence received 4 per cent. Despite the problems, the result of the vote revealed that the annexation formula proposed by the leaders of the New Progressive Party was not welcomed by the people. Governor Pedro Rosselló had said publicly that if that formula won, even if by only one vote, he would go to Washington to demand statehood for Puerto Rico.

The fact is that the United States Government has done absolutely nothing about the result of the so-called consultative plebiscite. It continues to close its eyes to it and to turn its back on the just claims of a people that has been suffering and living in the shame of colonialism, by which it continues to feel humiliated before the world and by the world.

I do not believe that it is necessary to repeat here for the nth time what we have been saying for so many years: identify the main needs and minimum processes that support the right of all peoples to demand self-determination. We have repeated it *ad nauseam*; we have said it to the point of boredom and beyond.

The United Nations, through the decolonization Committee, with the support of the General Assembly, as well as the Bar Association of Puerto Rico, has recognized that Puerto Rico has never been able to exercise its right to self-determination and that the United States Government has an obligation to create the right atmosphere for the full exercise of that right by the Puerto Rican people.

We said at the last session that the United States Government had failed to listen to the legitimate demands of our people to put an end to the nightmare of colonialism. There are many reasons for this indifference. The situation should be described by its proper name; it is really a conspiracy involving various branches of Government. I told this international body at the last session:

> "This obstacle is due in large part to the enormous pressure brought to bear by the United States Government. Also contributing to the growth of that dense web of impediments are the conflicting opinions and actions of various branches of the United States Government, such as the divergent and contradictory opinions of its own courts. In the recent case of United States versus Sánchez, 992 F2d 1143, decided on 4 June this year, the Eleventh Federal Circuit Court of Appeals of the United States ruled that the United States Congress can unilaterally revoke or derogate the Constitution of the commonwealth or the statute that governs relations between Puerto Rico and the United States. In its analysis it concludes that Puerto Rico remains a Territory of the United States of America.
>
> "The Court says that neither the Federal Relations Law nor the establishment of the Constitution of the commonwealth changed the nature of the constitutional status of Puerto Rico as a Territory; nor did they change the source of authority over Puerto Rico. The United States Congress remains the source of ultimate authority over Puerto Rico under the terms of the Territorial Clause of the United States Constitution. This authority, says the Eleventh Circuit Court of Appeals, includes the ability to revoke unilaterally the Constitution of Puerto Rico or the Federal Relations Law and replace it with any law or regulation of its choice." *(A/AC.109/PV.1422, pp.26-27)*

Under constitutional law, Puerto Rico is living in a limbo of legal identity.

What is clear from the ruling of the Eleventh Federal Circuit Court of Appeals in the Sánchez case is that the colonial status that we have had for five centuries continues to be what it was before the adoption of General Assembly resolution 748 (VIII).

In our last intervention we said that under Article 96 of the United Nations Charter the General Assembly may request advisory opinions of the International Court of Justice in The Hague on matters of international law requiring clarification. On a number of occasions the General Assembly has requested the International Court of Justice to submit advisory opinions on colonial problems that have given rise to conflicts between States and the United Nations. The opinions handed down by the Court have been of great help in the search for harmonious solutions to difficult cases.

Today we wish to stress that the specialized agencies of the United Nations can review legal issues under the competence of the International Court of Justice. General Assembly resolution 3232 (XXIX) of 12 November 1974,

> "Recommends that United Nations organs and the specialized agencies should, from time to time, review legal questions within the competence of the International Court of Justice that have arisen or will arise during their activities and should study the advisability of referring them to the Court for an advisory opinion, provided that they are duly authorized to do so". *(resolution 3232 (XXIX), para. 5)*

We made the request, on that occasion, that the Special Committee recommend to the General Assembly that an advisory opinion be sought from the International Court of Justice at the Hague. Today, exactly one year after our appearance here, we repeat this request. Puerto Rico cannot continue to be a colony in its own eyes or in the eyes of the world. Not only is it degrading, it is shameful - and particularly shameful for those who wield the greatest power in this cycle of human history.

It must be recognized that Puerto Rico is a nation, a nation with its own character, language, customs, literature and traditions: a nation that wishes to restore its dignity and its respect before the world.

Puerto Rico is not a thing; it is not a piece of land where the toxic waste of the North American nation can indiscriminately be thrown, or where the Navy of the most powerful nation in the universe can take target practice over the heads of Puerto Ricans without the making the slightest reparation for the damage thus caused to the environment and the right of every citizen to live in peace and tranquility in the land where he or she was born. Puerto Rico is not a property to be bought and sold on the open market. Puerto Rico is a unique moral entity.

In this forum of free peoples, the Puerto Rican Bar Association requests that the Puerto Rican people not be allowed to awaken at the dawn of a new century without having broken the chains of colonialism in our land, chains of indignity and outrage.

Mr. Noriega Rodríguez withdrew.

At the invitation of the Chairman, Mr. Fernando Martín (Puerto Rican Independence Party) took a place at the Committee table.

The Chairman *(interpretation from Spain)*: I call on Mr. Martín.

Mr. Martín *(interpretation from Spanish)*: My name is Fernando Martín. I am the Vice-President of the Puerto Rican Independence Party, and I am appearing here on behalf of that group.

First of all, may I congratulate the Committee for having agreed to hold this hearing today on the subject of Puerto Rico, a decision which, at the very least, presupposes the validity of the jurisdiction of this Committee in the case of Puerto Rico.

It is my primary obligation to inform this Committee of the developments with regard to the political status of Puerto Rico that have occurred since 1993, when this Committee last had an occasion to hear petitioners from Puerto Rico.

The most significant political event during this period was certainly the holding of the alleged plebiscite at the initiative of the local Government of Puerto Rico in November of last year. I call this the "alleged plebiscite" because everyone agrees that it was an event which lacked judicial meaning. It had no binding legal effect under the local law of Puerto Rico or the Federal law of the United States, and even less under international law.

However, despite that glaring limitation and the other shortcomings of the process - which was hardly a paradigm of international law pertaining to an act of free expression by a people - no one, least of all myself, has any doubt that it was an event of a political nature, a political initiative, that might well contribute to the goal of those of us who are in favour of the full decolonization of Puerto Rico. That goal is to prompt the Congress of the United States to intervene in the matter of the colonial status of Puerto Rico and to become a collaborator in finding a solution, as opposed to its historic role as the main obstacle.

Therefore, in evaluating the past year's relevant political events with regard to the status of Puerto Rico, we have to examine the plebiscite consequences, implications and prospects.

The Puerto Rican Independence Party decided to participate enthusiastically in this process because we were convinced that it would serve to dramatize the problem of Puerto Rico to the United States Congress. Our participation had two important results. The first was to ensure that neither the annexationist forces nor those representing the present colonial status could obtain an absolute majority in the plebescite or would be able to claim, even for public relations purposes, that the majority of Puerto Ricans had already decided in favour of annexation or of continuing with colonialism.

The second result of our participation, which, in my opinion, will eventually prove no less important, was to oblige the forces which today control the Popular Party - the party that has virtually maintained colonialism in Puerto Rico - to try to enhance the Party's public appeal by ambiguously redefining "commonwealth" status so as to include a timid claim for sovereignty.

I have no doubt that if we Independents had not participated in and challenged this process, the definition of commonwealth status and its aspirations would have been much more conservative and thus less likely, in future negotiations with the United States, to bridge differences over the country's political development.

Thus, in my opinion, these two results at the very least served as a stimulus to the independence movement, which participated in this process.

The consequences of the plebiscite are well known. First, annexationism was defeated at a time when all conditions were conducive to its triumph. The Government in power supported annexation, counting upon stronger economic resources and the fact that foreigners had the right to vote in Puerto Rico. In other words, conditions were optimal for annexation to triumph in the referendum.

But annexation was not approved, which brought a twofold reaction from the United States Congress. On the one hand, there was a feeling of great satisfaction, serenity and relief that the United States Congress did not have to face a crisis of confrontation with its colony, at a time when it was considering other alternatives to annexation, which it fears. But the feeling of relief also created conditions adverse to keeping the subject of Puerto Rico "hot" in Congress, demonstrating that the United States' lack of interest in annexation had become an obstacle to generating impetus on the case of Puerto Rico.

On the other hand, the other dramatic result was that the forces which support the Commonwealth status - that is the present colonial status - were unable to obtain an electoral majority of over 50 per cent. That fact has meaning which goes beyond statistics, because, as all members of this Committee know very well, the argument which has been historically put forward by the United States, here and in the General Assembly - in 1953, when it obtained the adoption of resolution 753 (VIII), and throughout the years - is that while a Commonwealth was subordinate politically to the United States, it was also clear to the North Americans that the political status also enjoyed the majority support of the Puerto Rican people.

The referendum of November 1993, beyond the clear limitations we have described, makes it dramatically clear that, if at a given time anyone could have used the argument - spuriously, in my opinion - that the consent of the majority somehow justified the political subordination of the colonized, the result of the referendum demonstrates that even this alleged consent does not exist. Therefore, the basis of the defence which has been historically given to the Commonwealth status - that despite the difficulties it had the support of the majority - can no longer be sustained. The United States Congress is thus faced with a situation in which support for annexation does not enjoy a majority in Puerto Rico, which has given a certain relief. But it is also faced with the embarrassing fact that the current colonial situation cannot be claimed to enjoy the majority support of the people.

Unfortunately, these facts alone are not going to lead to a dynamic that will make Puerto Rico irreversibly and fully decolonized until all the internal and external forces that are committed to the principle of decolonization are effective and efficient in promoting the discussion of this issue in the United States Congress. To date, the United States Government's reaction to the plebiscite results has been as follows.

The President of the United States has appointed an inter-agency working group composed of a special assistant of the President and a leader of the House Subcommittee on Territorial Affairs who is very familiar with the Puerto Rican question. The President has charged them with formulating, proposing or recommending a public policy for the United States *vis-à-vis* Puerto Rico in the light of the results of the plebiscite. That working group is just beginning its work. It is my hope that, next year, this Committee will produce work which will establish a new scenario for discussion, negotiations and dialogue in the relationship between the United States and Puerto Rico.

If that comes about - and to a great extent it will depend on the ability of Puerto Ricans involved in decolonization to stimulate this process - in the fall of next year this Committee will certainly have a framework allowing it not only to deliberate the position of the petitioners, but also comprehensively to review the question of Puerto Rico with the aim of reaching a decision enjoying the consensus of the members of the Committee.

Meanwhile, the Committee's decision to convene hearings today is keeping the door open and is a sign that the Special Committee maintains the case of Puerto Rico on its agenda. We would therefore like to thank members once again for that decision, which is a reaffirmation of this Committee's jurisdiction on the question of Puerto Rico. I hope that there will be a better working climate next year and that I have been informative on this subject.

Mr. Martín withdrew.

At the invitation of the Chairman, Mr. Ronald Fernandez (Justice for Puerto Rico) took a place at the Committee table.

The Chairman *(interpretation from Spanish):* I call on Mr. Fernandez.

Mr. Fernandez: My name is Dr. Ronald Fernandez. I am a United States citizen of Spanish ancestry and I represent an organization of North Americans called Justice for Puerto Rico.

Like many of the women and men you have already heard or will hear, I have spoken before this Committee on numerous occasions. So, in preparing these remarks, I tried to think of a way to get members' attention. What, after 30 years, have they not heard? What could I say that might help move the Committee finally to take decisive action, not only in relation to Puerto Rico, but to the literally torturous plight of the 17 Puerto Rican political prisoners now held in United States prisons.

I thought of using facts. So members will see that attached to my statement is a document from the archives of President Richard Nixon. In it Senator Henry Jackson, speaking in April of 1974, matter-of-factly indicates that Puerto Rico became part of the United States "by an act of conquest" and that, instead of independence or statehood, Puerto Rico - and the words are those of Senator Jackson - "must remain a colony".

The facts are both interesting and essential. But they do not seem to make any difference. For far too many years, many of the petitioners have brought a wealth of irrefutable documents to the Committee's attention but, pitted against the political and economic power wielded by United States officials, the truth is a weak tool in the hands of even the most able speaker. As former United States Ambassador to the United Nations Arthur Goldberg noted as long ago as 1968, the Committee of 24 was such a "troublesome Committee" that Washington "pulls out all the stops" whenever the truth threatens to produce meaningful action.

So, given the weakness of even White House documentary proof, I wish to appeal to your sense of repugnance. And, in order hopefully to elicit a sense of revulsion about United States policy, please listen to this summary of a 5 October 1993 hearing before the Subcommittee on Western Affairs of the United States House of Representatives.

The first speaker was United States Congressman Jose Serrano. Eloquently, and with passion, Congressman Serrano explained to his colleagues that Puerto Rico was a United States colony. He said that he hated to admit it and that it was sometimes hard to represent himself as a Democrat when he and his colleagues controlled the world's oldest colony, but Congressman Serrano is an honest man. Thus, he repeated it two or three times: In October of 1993 Puerto Rico was a United States colony.

In response to Serrano's remarks, his colleagues yawned. No one was disrespectful - Congressman Serrano was, after all, one of their own - but, as if he had predicted the slight possibility of rain, Jose Serrano's remarks made no one sit up and take notice. On the contrary, it seemed to strike none of the members as abhorrent that the United States, which ceaselessly broadcasts its worldwide support for democracy, also owned a colony which was originally modeled after British imperial policy.

After Congressman Serrano, three members of Puerto Rico's three major political parties also took the floor. Once again the Committee heard that Puerto Rico was a colony, and once again this was matter-of-factly accepted. No one wanted to recall the 1901 words of then-United States Supreme Court Justice Harlan:

> "the idea that this country may acquire territories anywhere on Earth, by conquest or treaty, and hold them as mere colonies or provinces (...) is wholly inconsistent with the spirit and genius as well as the words of the United States Constitution."

The leaders of the Government of the United States of America are guilty of supreme hypocrisy and of a political immorality that was best expressed by General Frank McIntyre, head of the War Department Bureau that governed Puerto Rico until 1934. In the noted periodical *Foreign Affairs*, Mr. McIntyre said this:

> "An island or a small group of islands acquired primarily for naval purposes does not differ greatly from a war vessel or fleet at anchor."

Over the past 10 years I have visited close to a dozen United States Government libraries. I have read many thousands of pages of documentary evidence, and I am arguing that General McIntyre's callousness symbolizes a twentieth-century constant. In Congress and in the White House, Puerto Ricans are not people. They are things, political possessions who, to American policy makers, do not greatly differ from a war vessel or fleet at anchor.

That is a hideous notion; and it is also as un-American as an absence of checks and balances. But since United States officials have worn this colonial crown for nearly a century, I do not believe they will remove it unless bodies such as this Committee expose United States hypocrisy to the bright light of world opinion.

These are my specific requests: Ask President Clinton to have a call-in television show about Senator Jackson's statement. Ask Secretary of the Treasury Bentsen to explain why United States companies that operate in Puerto Rico are called "possessions corporations". Ask Secretary of the Interior Babbitt to explain why it is acceptable for soldiers to drop napalm - as they did in November 1993 - on the heavily inhabited Puerto Rican island of Vieques.

And most important of all, ask Attorney General Reno to begin the process of decolonization by immediately requesting an unconditional amnesty for the 17 Puerto Rican political prisoners and for the numerous Puerto Rican revolutionaries living in clandestinity.

Revolution is a word we do not like to hear. But I believe United States policy in Puerto Rico is so outrageous it is criminal to deny Puerto Ricans their inalienable right to even violent social change. As Thomas Jefferson noted on 4 July 1776, when confronted with a long train of colonial abuses and usurpations, it is not only a citizen's right, it is a citizen's duty to throw off such a Government.

Members of the Committee, carry out Jefferson's work, please, in a peaceful fashion. Throw off Puerto Rico's colonial yoke because, as we speak this morning, United Nations guides are telling visitors in the hallways behind this Chamber a terrible truth: Colonialism is a crime against humanity. Thus, my plea is that you put Puerto Rico on the walls of the United Nations and next year allow guides to boast of the wonderful strength shown by this exceedingly important Committee.

Mr. Fernández withdrew.

At the invitation of the Chairman, Mrs. Gilda Camargo (National Lawyers Guild) took a place at the Committee table.

The Chairman *(interpretation from Spanish):* I call on Mrs. Camargo.

Mrs. Camargo *(interpretation from Spanish)*: The National Lawyers Guild and its Puerto Rico Subcommittee are grateful for this opportunity once more to appear and state our position in relation to the inalienable right of the people of Puerto Rico to their independence from the colonial chains that tie them to the United States.

The National Lawyers Guild is composed of over 10,000 members, including jurists, students and legal assistants who offer their services for the promotion of social justice and human rights. For over three decades, we have represented activists of the Puerto Rican *independentista* movement and all Puerto Ricans who have advocated the liberation of their country, including the members of the Armed Forces of National Liberation and the Boricuan Popular Army, better known as the Macheteros. We have worked in conjunction with Puerto Rican lawyers to combat the illegal colonization of Puerto Rico, presenting legal arguments in national and international forums to support the liberation of this country.

We find ourselves addressing this Committee barely six years from the year 2000. We take note of the fact that the United States remains in a status of illegal disrespect for the rights of the Puerto Rican people and in violation of the Charter of the United Nations, the resolutions of the General Assembly, this venerable Committee, and the mandates approved by the international community in relation to the elimination of colonialism.

In 1998, the United States will attain 100 years of colonial imposition over Puerto Rico. During each one of those years, the United States confronted opposition on the part of the people of Puerto Rico to its military presence; the imposition of the English language; its cultural colonization and the illegal exploitation of its resources. Not even after 96 years of hostility and oppression; not even after violating the human, civil and political rights of the people; not even after dividing the Puerto Rican family and attempting to create divisions between the Puerto Ricans living on the island and those in the United States, has the imperialist country from the north had the power to break the ties of resistance to its colonialism.

The General Assembly of the United Nations declared the decade of 1990-2000 as the International Decade for the Eradication of Colonialism, affirming that the principal objective of this decade will be the exercise of self-determination on the part of all peoples. In 1993 the Assembly exhorted the administering Powers to take the necessary measures to allow the peoples of the colonized territories to exercise without delay their rights to self-determination and independence on a permanent basis. We have yet to see the United States comply with these mandates.

Under the United States, which determines the laws, economy and immigration of Puerto Rico, today about 64 per cent of the Puerto Rican people live below the poverty line; over 100,000 are homeless; 1,350,000 have inadequate housing; 25 per cent are unemployed; crime and delinquency are strongly connected to drug trafficking; and 35 per cent of the female population is sterilized.

This demonstrates that a policy of extermination of the Puerto Rican population is being practised by the colonial Government. If we add to this the fact that many of the activists of the *independentista* movement are in United States prisons, far from Puerto Rico and in conditions that violate the Universal Declaration on Human Rights and the United Nations minimum standards for the treatment of prisoners, we conclude that the United States is acting with impunity in relation to this Organization's directives for decolonization. In the face of this impunity, the National Lawyers Guild recommends that the case of Puerto Rico be presented to the International Court of Justice for an advisory opinion with respect to the illegality of the United States actions. The United States must be directed to release unconditionally all Puerto Rican political prisoners and prisoners of war, most of whom have served more than 15 years in custody for their unbending commitment to self-determination.

We find it ironic that President Clinton, like previous Presidents of the United States, should maintain an illogical and illegal embargo against the people of Cuba on the pretext that there are political prisoners in Cuba while in the United States activists of the Puerto Rican *independentista* movement are imprisoned without even a recognition of their status as political prisoners and prisoners of war. By what right, then, and with what moral authority, can the United States speak of the inalienable right to self-determination when it comes to nations such as Latvia, while not permitting a plebiscite under United Nations supervision for the self-determination of Puerto Rico and will not cease its persecution and spying against the members of the *independentista* movement of Puerto Rico? The actions of the Government of the United States, which violate the Covenant on Civil and Political Rights, exacerbate the continuing illegality of the process of colonization against Puerto Rico.

Since 1980, the United States has held in its prisons women and men who have dedicated their lives to the freedom of their people. The United States, itself born of an anti-colonial struggle, has rewarded them with disproportionately lengthy sentences and cruel, inhuman and degrading treatment. A recent application for parole by one of the prisoners who had served 14 years of a 78-year sentence was not merely denied: he was ordered to serve an additional 15 years in prison, but with no promise of parole even then. A Puerto-Rico-based campaign has asked the President of the United States to grant the prisoners immediate and unconditional release.

Without doubt, the people of Puerto Rico will continue its legitimate struggle for its liberation. It is for this Committee and all the friends of the people of Puerto Rico around the world to provide the assistance needed to enable Puerto Rico to be free from the colonial domination of the United States.

The meeting rose at 12.45 p.m.